

As Introduced

**130th General Assembly
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S. B. No. 60

Senator Uecker

Cosponsors: Senators Jordan, Beagle

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A B I L L

To amend section 2923.129 of the Revised Code to 1
eliminate the journalist access exception from the 2
general prohibition on the release of confidential 3
records relative to the issuance, renewal, 4
suspension, or revocation of a concealed handgun 5
license. 6

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

Section 1. That section 2923.129 of the Revised Code be 7
amended to read as follows: 8

Sec. 2923.129. (A)(1) If a sheriff, the superintendent of the 9
bureau of criminal identification and investigation, the employees 10
of the bureau, the Ohio peace officer training commission, or the 11
employees of the commission make a good faith effort in performing 12
the duties imposed upon the sheriff, the superintendent, the 13
bureau's employees, the commission, or the commission's employees 14
by sections 109.731, 311.41, and 2923.124 to 2923.1213 of the 15
Revised Code, in addition to the personal immunity provided by 16
section 9.86 of the Revised Code or division (A)(6) of section 17
2744.03 of the Revised Code and the governmental immunity of 18
sections 2744.02 and 2744.03 of the Revised Code and in addition 19

to any other immunity possessed by the bureau, the commission, and their employees, the sheriff, the sheriff's office, the county in which the sheriff has jurisdiction, the bureau, the superintendent of the bureau, the bureau's employees, the commission, and the commission's employees are immune from liability in a civil action for injury, death, or loss to person or property that allegedly was caused by or related to any of the following:

(a) The issuance, renewal, suspension, or revocation of a concealed handgun license;

(b) The failure to issue, renew, suspend, or revoke a concealed handgun license;

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

(2) Any action of a sheriff relating to the issuance, renewal, suspension, or revocation of a concealed handgun license shall be considered to be a governmental function for purposes of Chapter 2744. of the Revised Code.

(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. 51
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(c) The entity or instructor did not issue the competency certificate with malicious purpose, in bad faith, or in a wanton or reckless manner. 53
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(4) An entity that or instructor who, prior to ~~the effective date of this amendment~~ March 27, 2013, 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~~ March 27, 2013, 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: 56
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(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 effective date of this amendment~~ March 27, 2013. 66
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(b) The entity or instructor did not issue the renewed competency certificate with malicious purpose, in bad faith, or in a wanton or reckless manner. 71
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(5) A law enforcement agency that employs a peace officer is immune from liability in a civil action to recover damages for injury, death, or loss to person or property allegedly caused by any act of that peace officer if the act occurred while the peace officer carried a concealed handgun and was off duty and if the act allegedly involved the peace officer's use of the concealed handgun. Sections 9.86 and 9.87, and Chapter 2744., of the Revised Code apply to any civil action involving a peace officer's use of 74
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a concealed handgun in the performance of the peace officer's 82
official duties while the peace officer is off duty. 83

(B)~~(1)~~ Notwithstanding section 149.43 of the Revised Code, 84
~~except as provided in division (B)(2) of this section,~~ the records 85
that a sheriff keeps relative to the issuance, renewal, 86
suspension, or revocation of a concealed handgun license, 87
including, but not limited to, completed applications for the 88
issuance or renewal of a license, completed affidavits submitted 89
regarding an application for a license on a temporary emergency 90
basis, reports of criminal records checks and incompetency records 91
checks under section 311.41 of the Revised Code, and applicants' 92
social security numbers and fingerprints that are obtained under 93
division (A) of section 311.41 of the Revised Code, are 94
confidential and are not public records. ~~Except as provided in~~ 95
~~division (B)(2) of this section, no~~ No person shall release or 96
otherwise disseminate records that are confidential under this 97
division unless required to do so pursuant to a court order. 98

~~(2)(a) A journalist, on or after April 8, 2004, may submit to~~ 99
~~a sheriff a signed, written request to view the name, county of~~ 100
~~residence, and date of birth of each person to whom the sheriff~~ 101
~~has issued, renewed, or issued a replacement for a concealed~~ 102
~~handgun license, or a signed, written request to view the name,~~ 103
~~county of residence, and date of birth of each person for whom the~~ 104
~~sheriff has suspended or revoked a concealed handgun license. The~~ 105
~~request shall include the journalist's name and title, shall~~ 106
~~include the name and address of the journalist's employer, and~~ 107
~~shall state that disclosure of the information sought would be in~~ 108
~~the public interest. If a journalist submits a signed, written~~ 109
~~request to the sheriff to view the information described in this~~ 110
~~division, the sheriff shall grant the journalist's request. The~~ 111
~~journalist shall not copy the name, county of residence, or date~~ 112
~~of birth of each person to or for whom the sheriff has issued,~~ 113

~~suspended, or revoked a license described in this division.~~ 114

~~(b) As used in division (B)(2) of this section, "journalist" 115
means a person engaged in, connected with, or employed by any news 116
medium, including a newspaper, magazine, press association, news 117
agency, or wire service, a radio or television station, or a 118
similar medium, for the purpose of gathering, processing, 119
transmitting, compiling, editing, or disseminating information for 120
the general public.~~ 121

(C) Each sheriff shall report to the Ohio peace officer 122
training commission the number of concealed handgun licenses that 123
the sheriff issued, renewed, suspended, revoked, or denied under 124
section 2923.125 of the Revised Code during the previous quarter 125
of the calendar year, the number of applications for those 126
licenses for which processing was suspended in accordance with 127
division (D)(3) of section 2923.125 of the Revised Code during the 128
previous quarter of the calendar year, and the number of concealed 129
handgun licenses on a temporary emergency basis that the sheriff 130
issued, suspended, revoked, or denied under section 2923.1213 of 131
the Revised Code during the previous quarter of the calendar year. 132
The sheriff shall not include in the report the name or any other 133
identifying information of an applicant or licensee. The sheriff 134
shall report that information in a manner that permits the 135
commission to maintain the statistics described in division (C) of 136
section 109.731 of the Revised Code and to timely prepare the 137
statistical report described in that division. The information 138
that is received by the commission under this division is a public 139
record kept by the commission for the purposes of section 149.43 140
of the Revised Code. 141

(D) Law enforcement agencies may use the information a 142
sheriff makes available through the use of the law enforcement 143
automated data system pursuant to division (H) of section 2923.125 144
or division (B)(2) or (D) of section 2923.1213 of the Revised Code 145

for law enforcement purposes only. The information is confidential 146
and is not a public record. A person who releases or otherwise 147
disseminates this information obtained through the law enforcement 148
automated data system in a manner not described in this division 149
is guilty of a violation of section 2913.04 of the Revised Code. 150

(E) Whoever violates division (B) of this section is guilty 151
of illegal release of confidential concealed handgun license 152
records, a felony of the fifth degree. In addition to any 153
penalties imposed under Chapter 2929. of the Revised Code for a 154
violation of division (B) of this section or a violation of 155
section 2913.04 of the Revised Code described in division (D) of 156
this section, if the offender is a sheriff, an employee of a 157
sheriff, or any other public officer or employee, and if the 158
violation was willful and deliberate, the offender shall be 159
subject to a civil fine of one thousand dollars. Any person who is 160
harmed by a violation of division (B) or (C) of this section or a 161
violation of section 2913.04 of the Revised Code described in 162
division (D) of this section has a private cause of action against 163
the offender for any injury, death, or loss to person or property 164
that is a proximate result of the violation and may recover court 165
costs and attorney's fees related to the action. 166

Section 2. That existing section 2923.129 of the Revised Code 167
is hereby repealed. 168