

**OHIO**

**House**

**of**

**Representatives**

**JOURNAL**

TUESDAY, JANUARY 6, 2004

ONE HUNDRED THIRTY-SECOND DAY  
Hall of the House of Representatives, Columbus, Ohio  
**Tuesday, January 6, 2004 at 11:00 o'clock a.m.**

The House met pursuant to adjournment.

Prayer was offered by Pastor Jack Finch of the Union Missionary Baptist Church in Chesapeake, Ohio, followed by the Pledge of Allegiance to the Flag.

The journal of yesterday was read and approved.

The following guests of the House of Representatives were recognized by Speaker Householder prior to the commencement of business:

Thomas M. Zaino received HR 165, presented by Representative Kilbane-16th district.

The O-Team received HR 164, presented by Representative Reidelbach-21st district.

Reverend Carl B. Lilly, a guest of Representative C. Evans-87th district.

Guy Beeman, a guest of Representative Olman-46th district.

#### INTRODUCTION OF BILLS

The following bill was introduced:

**H. B. No. 365**-Representatives Buehrer, Willamowski, Latta, Cirelli, Allen, Seitz, Kearns.

To amend section 2317.02 of the Revised Code to waive the physician-patient and attorney-client privileges in probate cases under certain circumstances.

Said bill was considered the first time.

#### BILLS FOR THIRD CONSIDERATION

**Am. H. B. No. 288**-Representatives Faber, McGregor, Seitz, Willamowski, Latta, Gibbs, Aslanides, Carmichael, Distel, Domenick, Driehaus, C. Evans, Niehaus, Perry, Reinhard, Schlichter, Seaver, Setzer, Walcher, Widener, Book.

To amend sections 1729.01, 1729.02, 1729.03, 1729.04, 1729.06, 1729.07, 1729.08, 1729.11, 1729.16, 1729.18, 1729.19, 1729.22, 1729.23, 1729.26, 1729.28, 1729.35, 1729.36, 1729.38, 1729.42, 1729.46, 1729.47, 1729.49, 1729.55, 1729.56, 1729.58, 1729.59, 1729.61, 1729.69, and 1729.85 and to enact section 1729.031 of the Revised Code to modify the Cooperative Law,

was taken up for consideration the third time.

The question being, "Shall the bill pass?"

The yeas and nays were taken and resulted - yeas 97, nays 0, as follows:

Those who voted in the affirmative were: Representatives

|            |             |            |                 |
|------------|-------------|------------|-----------------|
| Allen      | Aslanides   | Barrett    | Beatty          |
| Blasdel    | Book        | Brinkman   | Brown           |
| Buehrer    | Callender   | Calvert    | Carano          |
| Carmichael | Cates       | Chandler   | Cirelli         |
| Clancy     | Collier     | Core       | Daniels         |
| DeBose     | DeGeeter    | DeWine     | Distel          |
| Domenick   | Driehaus    | Evans C.   | Evans D.        |
| Faber      | Fessler     | Flowers    | Gibbs           |
| Gilb       | Grendell    | Hagan      | Hartnett        |
| Harwood    | Hollister   | Hoops      | Hughes          |
| Husted     | Jerse       | Jolivette  | Kearns          |
| Key        | Kilbane     | Koziura    | Latta           |
| Martin     | Mason       | McGregor   | Miller          |
| Niehaus    | Oelslager   | Olman      | Otterman        |
| Patton T.  | Perry       | Peterson   | Price           |
| Raga       | Raussen     | Redfern    | Reidelbach      |
| Reinhard   | Schaffer    | Schlichter | Schmidt         |
| Schneider  | Seaver      | Seitz      | Setzer          |
| Sferra     | Skindell    | Smith G.   | Smith S.        |
| Stewart D. | Stewart J.  | Strahorn   | Sykes           |
| Taylor     | Trakas      | Ujvagi     | Wagner          |
| Walcher    | Webster     | White      | Widener         |
| Widowfield | Willamowski | Williams   | Wilson          |
| Wolpert    | Woodard     | Yates      | Young           |
|            |             |            | Householder-97. |

The bill passed.

Representative Faber moved to amend the title as follows:

Add the names: "Barrett, Beatty, Brown, Buehrer, Callender, Carano, Chandler, Clancy, Collier, Daniels, DeBose, D. Evans, Flowers, Gilb, Grendell, Hagan, Hartnett, Harwood, Hollister, Hoops, Hughes, Jolivette, Kearns, Olman, Raussen, Schmidt, Schneider, G. Smith, J. Stewart, Williams, Yates."

The motion was agreed to and the title so amended.

The title as amended was agreed to.

**Sub. S. B. No. 35**-Senators Nein, Mumper, Spada, Blessing, Miller, Dann, Fingerhut, Prentiss, Robert Gardner. -Representatives Martin, Beatty, Jerse, Fessler, Olman, Kearns, Jolivette.

To amend sections 4755.40 and 4755.48 and to enact section 4755.481 of

the Revised Code to permit, under certain circumstances, the practice of physical therapy other than pursuant to the prescription or referral of a physician, dentist, podiatrist, chiropractor, certified registered nurse anesthetist, clinical nurse specialist, certified nurse-midwife, or certified nurse practitioner, was taken up for consideration the third time.

The question being, "Shall the bill pass?"

The yeas and nays were taken and resulted - yeas 92, nays 4, as follows:

Those who voted in the affirmative were: Representatives

|            |            |            |                 |
|------------|------------|------------|-----------------|
| Allen      | Barrett    | Beatty     | Blasdel         |
| Book       | Brinkman   | Brown      | Buehrer         |
| Callender  | Calvert    | Carano     | Carmichael      |
| Cates      | Chandler   | Clancy     | Collier         |
| Core       | Daniels    | DeBose     | DeGeeter        |
| DeWine     | Distel     | Domenick   | Driehaus        |
| Evans C.   | Evans D.   | Faber      | Fessler         |
| Flowers    | Gibbs      | Gilb       | Grendell        |
| Hagan      | Hartnett   | Harwood    | Hollister       |
| Hoops      | Hughes     | Husted     | Jerse           |
| Jolivette  | Kearns     | Key        | Kilbane         |
| Koziura    | Latta      | Martin     | Mason           |
| McGregor   | Miller     | Niehaus    | Oelslager       |
| Olman      | Otterman   | Patton T.  | Perry           |
| Peterson   | Price      | Raga       | Rausen          |
| Redfern    | Reidelbach | Reinhard   | Schaffer        |
| Schlichter | Schmidt    | Seaver     | Seitz           |
| Setzer     | Sferra     | Skindell   | Smith G.        |
| Smith S.   | Stewart D. | Stewart J. | Strahorn        |
| Sykes      | Taylor     | Trakas     | Ujvagi          |
| Wagner     | Walcher    | Webster    | White           |
| Widener    | Widowfield | Williams   | Wilson          |
| Wolpert    | Yates      | Young      | Householder-92. |

Representatives Aslanides, Cirelli, Willamowski, and Woodard voted in the negative-4.

The bill passed.

Representative Jolivette moved to amend the title as follows:

Add the names: "Allen, Barrett, Brinkman, Callender, Chandler, Daniels, DeBose, Driehaus, D. Evans, Flowers, Gibbs, Gilb, Hagan, Harwood, Hughes, Key, Kilbane, Koziura, Mason, McGregor, Miller, Otterman, T. Patton, Price, Reidelbach, Schlichter, Seitz, J. Stewart, Taylor, Ujvagi, Widener, Widowfield, Williams."

The motion was agreed to and the title so amended.

The title as amended was agreed to.

On motion of Representative Cates, the House recessed.

The House met pursuant to recess.

Representative Cates moved that the House revert to the sixth order of business, being motions and resolutions.

The motion was agreed to.

### MOTIONS AND RESOLUTIONS

Representative Cates moved that House Rule 94, pertaining to motions to reconsider be suspended.

The motion was agreed to.

Representative Cates, having voted with the prevailing side, moved that the vote by which the report of the Committee of Conference on **Am. Sub. H.B. No. 12** - Rep. Aslanides et al., passed be reconsidered and that the motion be taken up for immediate consideration.

This motion under House Rule 94 is properly supported by the following members who voted on the prevailing side of the question:

(VOTED "YES")

GARY W. CATES  
PATRICIA M. CLANCY  
JAMES M. HOOPS

JAMES PETER TRAKAS  
JON M. PETERSON

The yeas and nays were taken and resulted - yeas 71, nays 22, as follows:

Those who voted in the affirmative were: Representatives

|            |             |           |                 |
|------------|-------------|-----------|-----------------|
| Allen      | Aslanides   | Blasdel   | Book            |
| Buehrer    | Callender   | Calvert   | Carano          |
| Carmichael | Cates       | Chandler  | Cirelli         |
| Clancy     | Collier     | Daniels   | DeWine          |
| Distel     | Evans C.    | Evans D.  | Faber           |
| Fessler    | Flowers     | Gibbs     | Gilb            |
| Grendell   | Hagan       | Hartnett  | Harwood         |
| Hollister  | Hoops       | Hughes    | Husted          |
| Jolivette  | Kearns      | Kilbane   | Latta           |
| Martin     | McGregor    | Miller    | Niehaus         |
| Oelslager  | Olman       | Patton T. | Peterson        |
| Raga       | Rausen      | Reinhard  | Schaffer        |
| Schlichter | Schmidt     | Schneider | Seitz           |
| Setzer     | Sferra      | Smith G.  | Stewart D.      |
| Stewart J. | Taylor      | Trakas    | Wagner          |
| Walcher    | Webster     | White     | Widener         |
| Widowfield | Willamowski | Williams  | Wilson          |
| Wolpert    | Young       |           | Householder-71. |

Those who voted in the negative were: Representatives

|         |        |          |       |
|---------|--------|----------|-------|
| Barrett | Beatty | Brinkman | Brown |
|---------|--------|----------|-------|

|          |          |            |           |
|----------|----------|------------|-----------|
| Core     | DeGeeter | Driehaus   | Jerse     |
| Key      | Koziura  | Mason      | Perry     |
| Price    | Redfern  | Reidelbach | Skindell  |
| Smith S. | Strahorn | Sykes      | Ujvagi    |
| Woodard  |          |            | Yates-22. |

The motion was agreed to and the vote by which the report of the Committee of Conference on **Am. Sub. H.B. No. 12** - Representative Aslanides et al., passed was reconsidered.

Representative Cates moved that the House revert to the fourth order of business, being reports of conference committees.

The motion was agreed to.

### REPORTS OF CONFERENCE COMMITTEES

Representative Aslanides submitted the following report:

The Committee of Conference to which the matters of difference between the two houses were referred on Am. Sub. H.B. 12, Rep. Aslanides - et al., having had the same under consideration, recommends to the respective houses as follows:

The bill as passed by the Senate with the following amendments:

In line 30, after "2913.02," insert "2913.04,"

In line 34, after "2923.1212," insert "2923.1213,"

In line 97, delete the underlined period and insert an underlined semicolon

Between lines 97 and 98, insert:

"(5) A form for the temporary emergency license to carry a concealed handgun that is to be issued by sheriffs to persons who qualify for such a 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 that additionally conspicuously specifies that the license is a temporary emergency license and the date of its issuance."

In line 186, after the underlined comma insert "or an application for a license to carry a concealed handgun under section 2923.1213 of the Revised Code."

In line 288, after "Code" insert "and all fees paid by the person seeking a temporary emergency license to carry a concealed handgun under section 2923.1213 of the Revised Code"

In line 320, after "section" insert "that involves a firearm other than a handgun. It is an affirmative defense to a charge under division (C) or (D) of this section of transporting or having a firearm of any type, including a handgun, in a

vessel that the actor transported or had the firearm in the vessel for any lawful purpose and while the vessel was on the actor's own property, provided that this affirmative defense is not available unless the person, prior to arriving at the vessel on the actor's own property, did not transport or possess the firearm in the vessel or in a motor vehicle in a manner prohibited by this section or division (B) or (C) of section 2923.16 of the Revised Code while the vessel was being operated on a waterway that was not on the actor's own property or while the motor vehicle was being operated on a street, highway, or other public or private property used by the public for vehicular traffic"

In lines 323 and 346, after "2923.125" insert "or 2923.1213"

Between lines 351 and 352, insert:

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

Between lines 438 and 439, insert:

**"Sec. 2913.04.** (A) No person shall knowingly use or operate the property of another without the consent of the owner or person authorized to give consent.

(B) No person shall knowingly gain access to, attempt to gain access to, or cause access to be gained to any computer, computer system, computer network, cable service, cable system, telecommunications device, telecommunications service, or information service without the consent of, or beyond the scope of the express or implied consent of, the owner of the computer, computer system, computer network, cable service, cable system, telecommunications device, telecommunications service, or information service or other person authorized to give consent by the owner.

(C) No person shall knowingly gain access to, attempt to gain access to, cause access to be granted to, or disseminate information gained from access to the law enforcement automated database system created pursuant to section 5503.10 of the Revised Code without the consent of, or beyond the scope of the express or implied consent of, the chair of the law enforcement automated data system steering committee.

(D) The affirmative defenses contained in division (C) of section 2913.03 of the Revised Code are affirmative defenses to a charge under this section.

~~(D)~~(E)(1) Whoever violates division (A) of this section is guilty of unauthorized use of property.

(2) Except as otherwise provided in division ~~(D)~~(E)(3) or (4) of this section, unauthorized use of property is a misdemeanor of the fourth degree.

(3) Except as otherwise provided in division ~~(D)~~(E)(4) of this section, if unauthorized use of property is committed for the purpose of devising or executing a scheme to defraud or to obtain property or services, unauthorized use of property is whichever of the following is applicable:

(a) Except as otherwise provided in division ~~(D)~~(E)(3)(b), (c), or (d) of this section, a misdemeanor of the first degree.

(b) If the value of the property or services or the loss to the victim is five hundred dollars or more and is less than five thousand dollars, a felony of the fifth degree.

(c) If the value of the property or services or the loss to the victim is five thousand dollars or more and is less than one hundred thousand dollars, a felony of the fourth degree.

(d) If the value of the property or services or the loss to the victim is one hundred thousand dollars or more, a felony of the third degree.

(4) If the victim of the offense is an elderly person or disabled adult, unauthorized use of property is whichever of the following is applicable:

(a) Except as otherwise provided in division ~~(D)~~(E)(4)(b), (c), (d), or (e) of this section, a felony of the fifth degree;

(b) If the value of the property or services or loss to the victim is five hundred dollars or more and is less than five thousand dollars, a felony of the fourth degree;

(c) If the value of the property or services or loss to the victim is five thousand dollars or more and is less than twenty-five thousand dollars, a felony of the third degree;

(d) If the value of the property or services or loss to the victim is twenty-five thousand dollars or more, a felony of the second degree.

~~(E)~~(F) Whoever violates division (B) of this section is guilty of unauthorized use of computer, cable, or telecommunication property, a felony of the fifth degree.

~~(F)~~(G) Whoever violates division (C) of this section is guilty of unauthorized use of the law enforcement automated database system, a felony of the fifth degree.

(H) As used in this section:

(1) "Cable operator" means any person or group of persons that does either of the following:

(a) Provides cable service over a cable system and directly or through one or more affiliates owns a significant interest in that cable system;

(b) Otherwise controls or is responsible for, through any arrangement, the management and operation of a cable system.



(2) "Cable service" means any of the following:

(a) The one-way transmission to subscribers of video programming or of information that a cable operator makes available to all subscribers generally;

(b) Subscriber interaction, if any, that is required for the selection or use of video programming or of information that a cable operator makes available to all subscribers generally, both as described in division ~~(F)~~(H)(2)(a) of this section;

(c) Any cable television service.

(3) "Cable system" means any facility, consisting of a set of closed transmission paths and associated signal generation, reception, and control equipment that is designed to provide cable service that includes video programming and that is provided to multiple subscribers within a community. "Cable system" does not include any of the following:

(a) Any facility that serves only to retransmit the television signals of one or more television broadcast stations;

(b) Any facility that serves subscribers without using any public right-of-way;

(c) Any facility of a common carrier that, under 47 U.S.C.A. 522(7)(c), is excluded from the term "cable system" as defined in 47 U.S.C.A. 522(7);

(d) Any open video system that complies with 47 U.S.C.A. 573;

(e) Any facility of any electric utility used solely for operating its electric utility system."

In line 490, after "handgun" insert "or is made in an affidavit filed with a county sheriff to obtain a temporary emergency license to carry a concealed handgun under section 2923.1213 of the Revised Code"

In lines 671, 693, 779, 805, 871, and 922, after "2923.125" insert "or 2923.1213"

In line 700, after "(A)" insert "(1)"

In line 701, after "weapon" insert "other than a handgun and"

In line 723, delete all after "(E)"

Delete lines 724 through 753 and insert "It is an affirmative defense to a charge under division (A) of this section of carrying or having control of a handgun other than a dangerous ordnance that the actor was not otherwise prohibited by law from having the handgun and that the handgun was carried or kept ready at hand by the actor for any lawful purpose and while in the actor's own home, provided that this affirmative defense is not available unless the person, prior to arriving at his own home, did not transport or possess the handgun in a motor vehicle in a manner prohibited by division (B) or (C) of section 2923.16 of the Revised Code while the motor vehicle was being operated"

on a street, highway, or other public or private property used by the public for vehicular traffic."

Between lines 824 and 825, insert:

"(H) If a law enforcement officer stops a person to question the person regarding a possible violation of this section, for a traffic stop, or for any other law enforcement purpose, if the person surrenders a firearm to the officer, either voluntarily or pursuant to a request or demand of the officer, and if the officer does not charge the person with a violation of this section or arrest the person for any offense, the person is not otherwise prohibited by law from possessing the firearm, and the firearm is not contraband, the officer shall return the firearm to the person at the termination of the stop."

In line 854, after "premises" insert "that involves the possession of a firearm other than a handgun"

In line 1074, after "2923.125" insert "or 2923.1213"

In lines 1121, 1778, and 3008, delete "2923.1212" and insert "2923.1213"

In line 1133, after "Code" insert "and, except when the context clearly indicates otherwise, includes a person to whom a temporary emergency license to carry a concealed handgun has been issued under section 2923.1213 of the Revised Code"

In line 1292, after "shall" insert "make available through the law enforcement automated data system in accordance with division (H) of this section the information described in that division and, upon making the information available through the system, shall"

In line 1523, delete the first "issuing" and insert "deciding to issue"; delete the second "issuing" and insert "deciding to issue";

In line 1524, delete "renewing" and insert "deciding to renew"

In line 1525, after the underlined comma insert "and before actually issuing or renewing the license,"

In line 1547, delete "If a law enforcement officer"

Delete lines 1548 and 1549 and insert:

"If a"

In line 1550, delete "that" and insert "a motor"; delete the underlined comma and insert "that is stopped as the result of a traffic stop or a stop for another law enforcement purpose"

In line 1551, delete "possesses" and insert "is transporting"; delete "at the time the officer"

In line 1552, delete "approaches the vehicle" and insert "in the motor vehicle at that time"; delete the third "the" and insert "any law enforcement"

In line 1553, after "officer" insert "who approaches the vehicle while stopped"

In line 1555, after "handgun" insert "; the licensee shall comply with lawful orders of a law enforcement officer given while the motor vehicle is stopped, shall remain in the motor vehicle while stopped, and shall keep the licensee's hands in plain sight while any law enforcement officer begins approaching the licensee while stopped and before the officer leaves, unless directed otherwise by a law enforcement officer; and the licensee shall not knowingly remove, attempt to remove, grasp, or hold the loaded handgun or knowingly have contact with the loaded handgun by touching it with the licensee's hands or fingers, in any manner in violation of division (D) of section 2923.16 of the Revised Code, while any law enforcement officer begins approaching the licensee while stopped and before the officer leaves"

In line 1844, after "(B)" insert "(1)"; after the underlined comma insert "except as provided in division (B)(2) of this section,"

In line 1853, delete "No" and insert "Except as provided in division (B)(2) of this section, no"

Between lines 1855 and 1856, insert:

"(2) Upon a written request made to a sheriff and signed by a journalist on or after the effective date of this section that identifies by name a specific individual, the sheriff shall disclose to the journalist whether the sheriff has issued to the specified individual a license, issued to the specified individual a replacement license, or renewed for the specified individual a license to carry a concealed handgun. If the sheriff has issued or renewed a license for the specific individual identified in the request, the sheriff shall disclose to the journalist only the individual's name, county of residence, and municipal corporation or township of residence, the fact that the individual was issued the license or replacement license or had the license renewed, and the date of the issuance or renewal. The request shall include the journalist's name and title, shall include the name and address of the journalist's employer, shall identify by name the specific individual about whom the request is made, and shall state that disclosure of the information sought would be in the public interest.

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.

In line 1876, delete "No" and insert "A"

In line 1877, delete "shall release or otherwise disseminate" and insert "who releases or otherwise disseminates"

In line 1879, delete all after "division"

In line 1880, delete "person to do so" and insert "is guilty of a violation of section 2913.04 of the Revised Code"

In line 1985, after "2923.125" insert "or 2923.1213"

Between lines 2061 and 2062, insert:

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

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

(a) A statement sworn by the person seeking to carry a concealed handgun that is made under threat of perjury and that states that the person has reasonable cause to fear a criminal attack upon the person or a member of the person's family, such as would justify a prudent person in going armed;

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

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

(B)(1) A person seeking a temporary emergency license to carry a concealed handgun shall submit to the sheriff of the county in which the person resides all of the following:

(a) Evidence of imminent danger to the person or a minor child under the person's custody;

(b) A sworn affidavit attesting that the person is at least twenty-one years of age; is not a fugitive from justice; is not under indictment for or otherwise charged with an offense identified in division (D)(1)(d) of section 2923.125 of the Revised Code; has not been convicted of or pleaded guilty to an offense, and has not been adjudicated a delinquent child for committing an act, identified in division (D)(1)(e) of that section; within three years of the date of the submission, has not been convicted of or pleaded guilty to an offense, and has not been adjudicated a delinquent child for committing an act, identified in division (D)(1)(f) of that section; within five years of the date of the submission, has not been convicted of, pleaded guilty, or adjudicated a delinquent child for committing two or more violations identified in division (D)(1)(g) of that section; within ten years of the date of the submission, has not been convicted of, pleaded guilty, or adjudicated a delinquent child for committing a violation identified in division (D)(1)(h) of that section; has not been adjudicated as a mental defective, has not been committed to any mental institution, is not under adjudication of mental incompetence, has not been found by a court to be a mentally ill person

subject to hospitalization by court order, and is not an involuntary patient other than one who is a patient only for purposes of observation, as described in division (D)(1)(i) of that section; and is not currently subject to a civil protection order, a temporary protection order, or a protection order issued by a court of another state, as described in division (D)(1)(j) of that section;

(c) A temporary emergency license fee of fifteen dollars;

(d) A set of fingerprints of the applicant provided as described in section 341.41 of the Revised Code through use of an electronic fingerprint reading device or, if the sheriff to whom the application is submitted does not possess and does not have ready access to the use of such a reading device, on a standard impression sheet prescribed pursuant to division (C)(2) of section 109.572 of the Revised Code. If the fingerprints are provided on a standard impression sheet, the person also shall provide the person's social security number to the sheriff.

(2) Upon receipt of the evidence of imminent danger, the sworn affidavit, and the fee required under division (B)(1) of this section, the sheriff immediately shall conduct or cause to be conducted the criminal records check and the incompetency records check described in section 311.41 of the Revised Code. Immediately upon receipt of the results of the records checks, the sheriff shall review the information and shall determine whether the criteria set forth in divisions (D)(1)(a) to (j) of section 2923.125 of the Revised Code apply regarding the person. If the sheriff determines that all of criteria set forth in divisions (D)(1)(a) to (j) of section 2923.125 of the Revised Code apply regarding the person, the sheriff shall immediately make available through the law enforcement automated data system all information that will be contained on the temporary emergency license for the person if one is issued, and the superintendent of the state highway patrol shall ensure that the system is so configured as to permit the transmission through the system of that information. Upon making that information available through the law enforcement automated data system, the sheriff shall immediately issue to the person a temporary emergency license to carry a concealed handgun.

If the sheriff denies the issuance of a temporary emergency license to the person, the sheriff shall specify the ground for the denial in a written notice to the person. The person may appeal the denial in the same manners specified in division (D)(2) of section 2923.125 of the Revised Code, regarding the denial of an application for a license to carry a concealed handgun under that section.

The temporary emergency license under this division shall be in the form, and shall include all of the information, described in division (A)(2) of section 109.731 of the Revised Code, provided that the license also shall conspicuously specify that it is a temporary emergency license and the date of its issuance.

The temporary emergency license issued under this division is valid for ninety days and may not be renewed. A person who has been issued a temporary emergency license under this division shall not be issued another temporary emergency license unless at least four years has expired since the issuance of the

prior temporary emergency license.

(C) A person who holds a temporary emergency license to carry a concealed handgun has the same right to carry a concealed handgun as a person who was issued a license to carry a concealed handgun under section 2923.125 of the Revised Code, and any exceptions to the prohibitions contained in section 1547.69 and sections 2923.12 to 2923.16 of the Revised Code for a licensee under section 2923.125 of the Revised Code apply to a licensee under this section. The person is subject to the same restrictions, and to all other procedures, duties, and sanctions, that apply to a person who carries a license issued under section 2923.125 of the Revised Code.

(D) A sheriff who issues a temporary emergency license to carry a concealed handgun under this section shall not require a person seeking to carry a concealed handgun in accordance with this section to submit a competency certificate as a prerequisite for issuing the license and shall comply with division (H) of section 2923.125 of the Revised Code in regards to the license. The sheriff may revoke the license upon receiving information, verifiable by public documents, that the person is not eligible to possess a firearm under either the laws of this state or of the United States or that the person committed perjury in obtaining the license. The sheriff shall notify the person, by certified mail, return receipt requested, at the person's last known residence address that the license has been revoked and that the person is required to surrender the license at the sheriff's office within ten days of the date on which the notice was mailed.

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

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

(G) Section 2923.129 of the Revised Code applies in regards to the issuance of a temporary emergency license to carry a concealed handgun.

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

In line 2128, after "handgun" insert "under section 2923.125 or 2923.1213

of the Revised Code"

In line 2129, after "(1)" insert "Knowingly transport or have a loaded handgun in a motor vehicle unless the loaded handgun either is in a holster and in plain sight on the person's person or it is securely encased by being stored in a closed, locked glove compartment or in a case that is in plain sight and that is locked;

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

(3)"; after "a" insert "motor"

In line 2132, after "vehicle" insert "in any manner"

Between lines 2136 and 2137, insert:

"(4) If the person is the driver or an occupant of a motor vehicle that is stopped as a result of a traffic stop or a stop for another law enforcement purpose and if the person is transporting or has a loaded handgun in the motor vehicle in any manner, knowingly disregard or fail to comply with any lawful order of any law enforcement officer given while the motor vehicle is stopped, knowingly fail to remain in the motor vehicle while stopped, or knowingly fail to keep the person's hands in plain sight at any time after any law enforcement officer begins approaching the person while stopped and before the law enforcement officer leaves, unless, regarding a failure to remain in the motor vehicle or to keep the person's hands in plain sight, the failure is pursuant to and in accordance with directions given by a law enforcement officer;"

In line 2137, delete "(2)" and insert "(5)"; after "a" insert "motor"

In line 2140, after "vehicle" insert "in a manner authorized under division (E)(1) of this section"

Delete line 2142 and insert "remove or attempt to remove the loaded handgun from the holster, glove compartment, or case, knowingly grasp or hold the loaded handgun, or knowingly have"

In line 2143, delete "a" and insert "the"; after "handgun" insert "by touching it with the person's hands or fingers"

In line 2145, delete "possesses or"

Delete line 2146

In line 2147, delete "accordance with explicit instructions" and insert

removes, attempts to remove, grasps, holds, or has contact with the loaded handgun pursuant to and in accordance with directions"

In line 2210, after "2923.125" insert "or 2923.1213"

In line 2217, delete all after "(c)"

Delete line 2218

In line 2219, delete "vehicle, and either" and insert "Either"; after "sight" insert "on the person's person"

In line 2221, delete "gun"

Delete lines 2223 through 2228

In line 2229, after "~~(E)~~" insert "(G)(1)"; reinsert "The affirmative defenses"; after "~~contained~~" insert "authorized"; reinsert "in divisions"; after "~~(C)~~" insert "(D)"; reinsert "(1)"

Reinsert line 2230

In line 2231, reinsert "defenses to a charge under division (B) or (C) of this section"; after the reinserted "section" insert "that involves a firearm other than a handgun"; reinsert the stricken comma

Delete lines 2232 through 2264 and insert:

"(2) It is an affirmative defense to a charge under division (B) or (C) of this section of improperly handling firearms in a motor vehicle that the actor transported or had the firearm in the motor vehicle for any lawful purpose and while the motor vehicle was on the actor's own property, provided that this affirmative defense is not available unless the person, prior to arriving at his own property, did not transport or possess the handgun in a 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."

In line 2274, delete "(1)" and insert "(3)"

In line 2275, after the period insert "A violation of division (E)(1), (2), or (5) of this section is a felony of the fifth degree."

In lines 2276 and 2278, delete "(2)" and insert "(4)"

In line 2288, delete "recklessly" and insert "knowingly"

In line 2289, delete "2923.125" and insert "2923.126"

In line 2293, delete "(H)" and insert "(I)"

Between lines 2294 and 2295, insert:

"(J) If a law enforcement officer stops a motor vehicle for a traffic stop or any other purpose, if any person in the motor vehicle surrenders a firearm to the officer, either voluntarily or pursuant to a request or demand of the officer, and if



the officer does not charge the person with a violation of this section or arrest the person for any offense, the person is not otherwise prohibited by law from possessing the firearm, and the firearm is not contraband, the officer shall return the firearm to the person at the termination of the stop."

In line 2295, delete "(J)" and insert "(K)"

In line 3034, after "2913.02," insert "2913.04,"

In line 3087, after "2923.125" insert "or 2923.1213"

In line 3744, after "2004" insert ", or the earliest date permitted by law, whichever is later"

In lines 3748, 3761, and 3798, delete "2923.1212" and insert "2923.1213"

In line 3814, delete "and"; after "2923.1212" insert ", and 2923.1213"

In line 1 of the title, after "2913.02," insert "2913.04,"

In line 7 of the title, after "2923.1212," insert "2923.1213,"

Managers on the Part of the  
House of Representatives

Managers on the Part of the  
Senate

/S/ JAMES ASLANIDES  
JAMES ASLANIDES

/S/ DOUG WHITE  
DOUG WHITE

/S/ ROBERT E. LATTA  
ROBERT E. LATTA

/S/ SCOTT R. NEIN  
SCOTT R. NEIN

/S/ MARC DANN  
MARC DANN

The question being, "Shall the report of the committee of Conference be agreed to?"

The yeas and nays were taken and resulted - yeas 5, nays 88, as follows:  
Representatives Core, Faber, Jerse, Reidelbach, and Willamowski voted in the affirmative-5.

Those who voted in the negative were: Representatives

|            |           |           |            |
|------------|-----------|-----------|------------|
| Allen      | Aslanides | Barrett   | Beatty     |
| Blasdel    | Book      | Brinkman  | Brown      |
| Buehrer    | Callender | Calvert   | Carano     |
| Carmichael | Cates     | Chandler  | Cirelli    |
| Clancy     | Collier   | Daniels   | DeGeeter   |
| DeWine     | Distel    | Driehaus  | Evans C.   |
| Evans D.   | Fessler   | Flowers   | Gibbs      |
| Gilb       | Grendell  | Hagan     | Hartnett   |
| Harwood    | Hollister | Hoops     | Hughes     |
| Husted     | Jolivette | Kearns    | Key        |
| Kilbane    | Koziura   | Latta     | Martin     |
| Mason      | McGregor  | Miller    | Niehaus    |
| Oelslager  | Olman     | Patton T. | Perry      |
| Peterson   | Price     | Raga      | Rausen     |
| Redfern    | Reinhard  | Schaffer  | Schlichter |
| Schmidt    | Schneider | Seitz     | Setzer     |
| Sferra     | Skindell  | Smith G.  | Smith S.   |

|            |            |          |                 |
|------------|------------|----------|-----------------|
| Stewart D. | Stewart J. | Strahorn | Sykes           |
| Taylor     | Trakas     | Ujvagi   | Wagner          |
| Walcher    | Webster    | White    | Widener         |
| Widowfield | Williams   | Wilson   | Wolpert         |
| Woodard    | Yates      | Young    | Householder-88. |

The report of the committee of Conference was not agreed to.

On motion of Representative Cates, the House recessed.

The House met pursuant to recess.

#### Message from the Senate

Mr. Speaker:

I am directed to inform you that the Senate accedes to the request of the House of Representatives for a second Committee of Conference on the matters of difference between the two Houses on

#### **Am. Sub. H.B. No. 12 - Representative Aslanides, et al.**

and that the President of the Senate has appointed as managers on the part of the Senate on such matters of difference:

Senators Austria, Nein and Dann.

Attest:

Matthew T. Schuler,  
Clerk.

#### MESSAGE FROM THE SPEAKER

The Speaker hereby appoints the following members of the House to the Committee of Conference on matters of difference between the two houses on **Am. Sub. H.B. No. 12 - Representative Aslanides et al:**

Representatives Aslanides, J. Stewart, and Mason.

Representative Clancy moved that the House revert to the fifth order of business, being reports of standing and select committees and bills for second consideration.

The motion was agreed to.

#### **REPORTS OF STANDING AND SELECT COMMITTEES AND BILLS FOR SECOND CONSIDERATION**

Representative Wilson reported for the Rules and Reference Committee recommending that the following House Bills and House Joint Resolution be

considered for the second time and referred to the following committees for consideration:

**H.B. No. 351 - Representative Callender, et al**

TO DECREASE THE FEES FOR HUNTING, TRAPPING, AND FISHING LICENSES, PERMITS, AND STAMPS TO THE AMOUNTS THAT WERE IN EFFECT PRIOR TO SEPTEMBER 26, 2003, AND TO RESTORE FREE LICENSES, PERMITS, AND STAMPS FOR SENIOR CITIZENS

To the committee on Agriculture and Natural Resources

**H.B. No. 352 - Representatives T. Patton, Kearns**

TO REQUIRE THE SUPERINTENDENT OF THE BUREAU OF CRIMINAL IDENTIFICATION AND INVESTIGATION TO ESTABLISH A DATABASE OF INCIDENT REPORTS RELATED TO THE IMPROPER DISCHARGE OF A FIREARM

To the committee on Criminal Justice

**H.B. No. 353 - Representative Young, et al**

TO SPECIFY THAT THE STATE INSURANCE FUND IS CONSIDERED SOLVENT WHEN IT IS FUNDED AT NINETY PERCENT OF THE AMOUNT CALCULATED TO FULLY FUND THE STATE INSURANCE FUND

To the committee on Finance and Appropriations

**H.B. No. 354 - Representative Harwood, et al**

TO ENTER INTO THE INTERSTATE COMPACT FOR JUVENILES

To the committee on Juvenile and Family Law

**H.B. No. 355 - Representative Callender, et al**

TO PROVIDE ADDITIONAL WAYS OF DETERMINING OR ESTIMATING THE POPULATION OF THE UNINCORPORATED TERRITORY OF A TOWNSHIP FOR PURPOSES OF MEETING THE 15,000 POPULATION REQUIREMENT FOR ADOPTING A LIMITED HOME RULE GOVERNMENT IN CERTAIN MANNERS

To the committee on County and Township Government

**H.B. No. 356 - Representative Widowfield, et al**

TO PERMIT SCHOOL DISTRICTS IN A COUNTY TO IMPOSE, WITH VOTER APPROVAL, A SALES AND USE TAX IN THE COUNTY; AND TO AMEND THE VERSIONS OF SECTIONS 5741.021, 5741.022, AND 5741.023 OF THE REVISED CODE THAT ARE SCHEDULED TO TAKE EFFECT JANUARY 1, 2006, TO CONTINUE THE PROVISIONS OF THIS ACT ON AND AFTER THAT DATE

To the committee on Ways and Means

**H.B. No. 357 - Representative Jolivette, et al**

TO RECLASSIFY THE PLEA OF NOT GUILTY BY REASON OF INSANITY AS GUILTY BUT INSANE, AND TO REQUIRE A TRIAL COURT TO IMPOSE A SENTENCE OF IMPRISONMENT UPON A PERSON FOUND GUILTY BUT INSANE

To the committee on Judiciary

**H.B. No. 358 - Representative Ujvagi, et al**

TO REQUIRE A VOTING MACHINE PURCHASED, RENTED, OR OTHERWISE ACQUIRED OR USED IN THIS STATE TO PRODUCE A VOTER-VERIFIED PAPER RECORD THAT MUST BE USED IN ANY RECOUNT OR MANUAL AUDIT CONDUCTED FOR AN ELECTION IN WHICH THAT VOTING MACHINE IS USED, AND TO REQUIRE THE SECRETARY OF STATE OR A BOARD OF ELECTIONS TO INITIALLY SET ANY ACTIVATION CODE REQUIRED FOR THE OPERATION OF A VOTING MACHINE OR THE TALLYING OF BALLOTS ON IT

To the committee on State Government

**H.B. No. 359 - Representative Ujvagi, et al**

TO PROVIDE COLLEGE TUITION WAIVERS TO SPOUSES AND QUALIFYING FORMER SPOUSES OF MEMBERS OF THE UNITED STATES ARMED FORCES KILLED IN THE LINE OF DUTY IN A COMBAT ZONE AFTER MAY 7, 1975

To the committee on Finance and Appropriations

**H.B. No. 360 - Representative Mason, et al**

TO INCLUDE ANY PERSON ADJUDICATED A SEXUAL PREDATOR WITHIN THE REPORTING AND NOTIFICATION REQUIREMENTS OF THE SORN LAW

To the committee on Criminal Justice

**H.B. No. 361 - Representative Flowers, et al**

TO PROVIDE FOR WIRELESS ENHANCED 9-1-1, INCLUDING REQUIREMENTS FOR ITS OPERATION, ADMINISTRATION, FUNDING, AND REGULATION, AND TO PERMIT A TELEPHONE COMPANY THAT IS A WIRELINE SERVICE PROVIDER TO FUND THROUGH AN EXISTING TAX CREDIT MECHANISM THE TOTAL NONRECURRING RATES AND CHARGES FOR AN UPDATING OR MODERNIZATION OF THE WIRELINE TELEPHONE NETWORK PORTION OF A 9-1-1 SYSTEM OR A MODIFICATION OF THAT TELEPHONE NETWORK TO PROVIDE WIRELESS ENHANCED 9-1-1; AND TO AMEND THE VERSIONS OF SECTIONS 4931.45, 4931.47, AND 4931.48 OF THE REVISED CODE THAT ARE SCHEDULED TO TAKE EFFECT DECEMBER 31, 2004, AND TO CONTINUE THE PROVISIONS OF THIS ACT ON AND AFTER THAT EFFECTIVE DATE

To the committee on Public Utilities

**H.B. No. 362 - Representative Hoops**

TO CHANGE THE STATUTORY DESIGNATION OF SCHOOL DISTRICT PERMANENT IMPROVEMENT LEVIES THAT MAY BE LEVIED CONTINUOUSLY

To the committee on Finance and Appropriations

**H.B. No. 363 - Representative D. Stewart, et al**

TO ESTABLISH REQUIREMENTS GOVERNING STATE

## PRIVATIZATION CONTRACTS

To the committee on Finance and Appropriations

**H.B. No. 364 - Representative Redfern**

TO MAKE CHANGES IN THE OHIO CONDOMINIUM LAW AS APPLIED TO COMMERCIAL AND INDUSTRIAL DEVELOPMENTS AND TO DEFINE "CAMPGROUND RESORT" AS TYPE OF CONDOMINIUM PROPERTY

To the committee on Homeland Security, Engineering, and Architectural Design

**H.J.R. No. 12 - Representative Mason, et al**

TO ELIMINATE THE REQUIREMENT THAT A PERSON BE REGISTERED TO VOTE FOR THIRTY DAYS IN ORDER TO HAVE THE QUALIFICATIONS OF AN ELECTOR AND BE ELIGIBLE TO VOTE

To the committee on State Government

GARY W. CATES  
JIM CARMICHAEL  
LARRY L. FLOWERS  
THOMAS F. PATTON  
JOHN SCHLICHTER  
KATHLEEN WALCHER  
JOYCE BEATTY  
EDWARD JERSE  
CHARLES A. WILSON

CHARLES CALVERT  
PATRICIA M. CLANCY  
JIM HUGHES  
JON M. PETERSON  
JAMES PETER TRAKAS  
CHRIS REDFERN  
KENNETH A. CARANO  
ROBERT J. OTTERMAN

Representative Clancy moved that the House and constitutional rules requiring bills to be considered by each house on three different days be suspended as to the second consideration of all House Bills and the House Joint Resolution contained in the report of the committee on Rules and Reference.

The motion was agreed to without objection.

The report was agreed to.

Said House Bills and House Joint Resolution were considered a second time and referred as recommended.

**MOTIONS AND RESOLUTIONS**

Representative Wilson reported for the Rules and Reference Committee recommending that the following House Concurrent Resolution be introduced and referred to the following committee for consideration:

**H. Con. R. No. 37 - Representatives Key, Woodard, Seitz, S. Smith, Ujvagi, Kearns, Redfern, Carano, Price, Sykes**

MEMORIALIZING CONGRESS TO RENEW THE WORK OPPORTUNITY TAX CREDIT

To the committee on Ways and Means

/s/ GARY CATES

Gary Cates, Vice Chair

Representative Clancy moved that the Rules and Reference Committee Report on resolutions be agreed to and that the resolution contained therein be introduced and referred as recommended.

The motion was agreed to.

Said resolution was introduced and referred as recommended.

Representative Wilson reported for the Rules and Reference Committee recommending that the following House Resolutions be read by title only and approved:

**H.R. No. 168 - Representative Hughes**

HONORING DUBLIN COFFMAN HIGH SCHOOL GIRLS SOCCER TEAM AS THE 2003 DIVISION I STATE CHAMPION

Add the name: "Beatty"

**H.R. No. 169 - Representative Fessler**

HONORING KATHY RANK AS THE 2004 OHIO TEACHER OF THE YEAR

Add the names: "Beatty, Calvert, Carmichael, Clancy, Flowers, Hughes, Otterman, T. Patton, Peterson, Schlichter, Walcher"

**H.R. No. 170 - Representatives Reidelbach-Hughes**

HONORING KELLY QUINN AS THE 2003 DIVISION I STATE PLAYER OF THE YEAR IN GIRLS SOCCER

Add the name: "Beatty"

**H.R. No. 171 - Representative Faber**

HONORING THE VERSAILLES HIGH SCHOOL GIRLS CROSS COUNTRY TEAM ON WINNING THE 2003 DIVISION III STATE CHAMPION

Add the name: "Beatty"

**H.R. No. 172 - Representative Faber**

HONORING THE VERSAILLES HIGH SCHOOL FOOTBALL TEAM AS THE 2003 DIVISION IV STATE CHAMPION

Add the name: "Beatty"

**H.R. No. 173 - Representative Collier**

HONORING THE CENTERBURG HIGH SCHOOL GIRLS VOLLEYBALL TEAM AS THE 2003 DIVISION IV STATE CHAMPION

Add the names: "Beatty, Walcher"

/s/ GARY CATES

Gary Cates, Vice Chair

Representative Clancy moved that the Rules and Reference Committee Report on resolutions be agreed to and that the resolutions contained therein be approved.

The motion was agreed to.

On motion of Representative Clancy, the House adjourned until Wednesday, January 7, 2004 at 1:30 o'clock p.m.

Attest:

LAURA P. CLEMENS,  
Clerk.