



# Ohio Legislative Service Commission

## Bill Analysis

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### **S.B. 239\***

128th General Assembly

(As Reported by S. Judiciary - Criminal Justice)

**Sens.** Jones and Schaffer, Buehrer, Carey, Cafaro, Faber, Gibbs, Grendell, Husted, Niehaus, Seitz, Wagoner

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## **BILL SUMMARY**

- Modifies the exemption from the prohibition against possessing a firearm in a room in which a person is consuming liquor in premises, or in an open air arena, for which a D liquor permit has been issued that applies to a person who is carrying a valid concealed handgun license issued in Ohio or by another state with which Ohio has a reciprocity agreement, who possesses the firearm in a retail store with D-6 and D-8 permits or a D-8 permit, and who is not consuming liquor or under the influence of alcohol or a drug of abuse so that the exemption applies to all such premises with a D permit.
- Regarding the prohibitions in the offense of "improperly handling firearms in a motor vehicle" that apply only to persons with a concealed handgun license issued in Ohio or by another state with which Ohio has a reciprocity agreement:
  - (1) Repeals the prohibition against a licensee knowingly transporting or having a loaded handgun in a motor vehicle unless the loaded handgun: (a) is in a holster on the person's person, (b) is in a closed case, bag, box, or other container in plain sight that has a lid, a cover, or a closing mechanism with a zipper, snap, or buckle that must be opened for a person to gain access to the handgun, or (c) is securely encased by being stored in a closed glove compartment or vehicle console or in a case that is locked.

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\* This analysis was prepared before the report of the Senate Judiciary - Criminal Justice Committee appeared in the Senate Journal. Note that the list of co-sponsors and the legislative history may be incomplete.

(2) Repeals the prohibition against a licensee who is transporting or has a loaded handgun in a motor vehicle in a manner authorized under (1), above, knowingly removing or attempting to remove the loaded handgun from the holster, case, bag, box, container, or glove compartment, knowingly grasping or holding the loaded handgun, or knowingly having contact with the loaded handgun by touching it with the person's hands or fingers while the vehicle is being operated on a street, highway, or public property unless the person does so pursuant to and in accordance with directions given by a law enforcement officer.

(3) Expressly prohibits a licensee who is the driver or an occupant of a commercial motor vehicle that is stopped by an employee of the Motor Carrier Enforcement Unit for the purposes defined in R.C. 5503.34 and who is transporting or has a loaded handgun in the vehicle in any manner from knowingly failing to remain in the vehicle while stopped or knowingly failing to keep the person's hands in plain sight at any time after a law enforcement officer begins approaching the person while stopped and before the law enforcement officer leaves, unless the failure is pursuant to and in accordance with directions given by a law enforcement officer.

(4) Repeals the prohibition against a licensee who is the driver or an occupant of a motor vehicle that is stopped as a result of a traffic stop or a stop for another law enforcement purpose, who is transporting or has a loaded handgun in the vehicle in a manner authorized under (1), above, and who is approached by a law enforcement officer while stopped knowingly removing or attempting to remove the loaded handgun from the holster, case, bag, box, container, or glove compartment or knowingly grasping or holding the loaded handgun, unless the person removes, attempts to remove, grasps, or holds the loaded handgun pursuant to and in accordance with directions given by the officer.

(5) Prohibits any licensee who is the driver or occupant of a motor vehicle stopped as a result of a traffic stop or a stop for another law enforcement purpose or who is the driver or an occupant of a commercial motor vehicle that is stopped by an employee of the Motor Carrier Enforcement Unit for the purposes defined in R.C. 5503.34 and who is transporting or has a loaded firearm in the vehicle in any manner from knowingly having contact with the loaded handgun by touching it with the person's hands or fingers in the vehicle at any time after the officer begins approaching and before the officer leaves, unless the person does so pursuant to and in accordance with directions given by the officer.

- (6) Expressly makes applicable to a licensee who is the driver or an occupant of a commercial motor vehicle that is stopped by an employee of the Motor Carrier Enforcement Unit for the purposes defined in R.C. 5503.34 the prohibition against a licensee who is the driver or an occupant of a motor vehicle that is stopped as a result of a traffic stop or a stop for another law enforcement purpose and who is transporting or has a loaded handgun in the vehicle in any manner, from knowingly disregarding or failing to comply with any lawful order of any law enforcement officer given while the vehicle is stopped, including, but not limited to, a specific order to the person to keep the person's hands in plain sight.
- Regarding the prohibitions in the offense of "improperly handling firearms in a motor vehicle" that apply to all persons:
    - (1) Eliminates the potential misdemeanor penalty for a violation of the prohibition against a person knowingly transporting or having 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 so that it always is a felony of the fourth degree.
    - (2) Modifies an exemption from the prohibition described above in (1) so that the prohibition does not apply to a person who is transporting or carrying a handgun in a vehicle, is carrying a valid concealed carry license issued by Ohio or another state with which Ohio has a reciprocity agreement, and is not knowingly in a prohibited place described in R.C. 2923.126(B).
    - (3) Similarly modifies an exemption from the prohibition against a person knowingly transporting or having a firearm in a motor vehicle, unless the person may lawfully possess the firearm under state and federal law and the firearm is unloaded and carried: (a) in a closed package, box, or case, (b) in a compartment that can be reached only by leaving the vehicle, (c) in plain sight and secured in a rack or holder made for that purpose, or (d) if it is at least 24 inches in overall length as measured from the muzzle to part of the stock furthest from the muzzle and if the barrel is at least 18 inches in length, either in plain sight with the action open or the weapon stripped, or, if the firearm is of a type on which the action will not stay open or which cannot easily be stripped, in plain sight.

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## CONTENT AND OPERATION

### Illegal possession of a firearm in liquor permit premises

#### Existing law

##### Prohibition and penalty

Existing law prohibits a person from possessing a firearm in any room in which any person is consuming liquor in premises for which a D permit has been issued under R.C. Chapter 4303. (see **COMMENT 1**) or in an open air arena for which a permit of that nature has been issued, subject to the exemptions described below. A violation of the prohibition is the offense of "illegal possession of a firearm in liquor permit premises." Generally, the offense is a felony of the fifth degree, but if the offender commits the violation by knowingly carrying or having the firearm concealed on the offender's person or concealed ready at hand, it is a felony of the third degree. No person charged with a violation of the prohibition may be required to obtain a license or temporary emergency license to carry a concealed handgun under R.C. 2923.125 or 2923.1213 (hereafter, a concealed carry license or a temporary emergency concealed carry license, respectively) as a condition for the dismissal of the charge. (R.C. 2923.121(A), (D), and (E).)

##### Exemptions

Existing law provides that the prohibition described above does not apply to any person who is carrying a valid concealed carry license or temporary emergency concealed carry license or a license to carry a concealed handgun that was issued to the person by another state with which the Attorney General (the AG) has entered into a reciprocity agreement (hereafter, these three types of licenses are collectively referred to as "concealed carry licenses") and who possesses the firearm in a retail store with D-6 and D-8 permits issued for that store under R.C. 4303.182 and 4303.184 or a D-8 permit issued for that store under R.C. 4303.184 (see **COMMENT 1**), as long as the person is not consuming liquor or under the influence of alcohol or a drug of abuse. (R.C.

2923.121(B)(1)(e.) Existing law provides other exemptions from the offense, which are described in **COMMENT 2**.

### **Affirmative defenses**

Under existing law, it is an affirmative defense to a charge of a violation of the prohibition described above that involves the possession of a firearm other than a handgun that the actor was not otherwise prohibited by law from having the firearm and that the firearm was carried or kept ready at hand by the actor for defensive purposes in either of the following circumstances (R.C. 2923.121(C)): (1) while the actor was engaged in or was going to or from the actor's lawful business or occupation, which business or occupation was of such character or was necessarily carried on in such manner or at such a time or place as to render the actor particularly susceptible to criminal attack, such as would justify a prudent person in going armed, or (2) while the actor was engaged in a lawful activity, and had reasonable cause to fear a criminal attack upon the actor or a member of the actor's family, or upon the actor's home, such as would justify a prudent person in going armed.

### **Operation of the bill**

The bill modifies the current exemption that specifies that the prohibition described above does not apply in specified circumstances to a person carrying a valid concealed carry license by eliminating the current criterion that specifies that the person must possess the firearm in a retail store with D-6 and D-8 permits issued for that store under R.C. 4303.182 and 4303.184 or a D-8 permit issued for that store under R.C. 4303.184 in order for the exemption to apply. Thus, under the bill, the exemption specifies that the prohibition described above does not apply to a person carrying a valid concealed carry license, as long as the person is not consuming liquor or under the influence of alcohol or a drug of abuse. (R.C. 2923.121(B)(1)(e).)

### **Improperly handling firearms in a motor vehicle**

Existing law sets forth a series of prohibitions that relate to the discharge, transportation, or possession of a firearm (or, for some of the prohibitions, a handgun) in a motor vehicle. Some of the prohibitions apply only to persons who have been issued a concealed carry license and only in relation to handguns, and some apply generally to all persons. A violation of any of the prohibitions is the offense of "improperly handling firearms in a motor vehicle." R.C. 2923.125(D) provides that a person who holds a license issued by another state with which the AG has entered into a reciprocity agreement has the same right to carry a concealed handgun as a person issued a concealed carry license by Ohio and is subject to the same restrictions that apply to a person who carries a concealed carry license issued by Ohio. Hereafter, persons who have been issued a concealed carry license or temporary emergency

concealed carry license in Ohio or who have a comparable license issued by another state with which the AG has entered into a reciprocity agreement collectively are referred to as "concealed carry licensees." A summary of the prohibitions, the penalties for violations of them, and related provisions, and the changes the bill makes to them, follows.

### **Prohibitions applicable only to concealed carry licensees**

The following prohibitions, and the related penalties and other provisions, apply only to concealed carry licensees and only in relation to handguns:

#### **(1) Manner of transporting a loaded handgun in a vehicle**

Current law prohibits a concealed carry licensee from knowingly transporting or having a loaded handgun in a motor vehicle unless one of the following applies: (a) the loaded handgun is in a holster on the person's person, (b) the loaded handgun is in a closed case, bag, box, or other container that is in plain sight and that has a lid, a cover, or a closing mechanism with a zipper, snap, or buckle, which lid, cover, or closing mechanism must be opened for a person to gain access to the handgun, or (c) the loaded handgun is securely encased by being stored in a closed glove compartment or vehicle console or in a case that is locked. A violation of this prohibition is a felony of the fifth degree (under R.C. 2923.128(B), the offender's license generally must be revoked). The bill repeals this prohibition and the related penalty. (Current R.C. 2923.16(E)(1), repealed, and R.C. 2923.16(I).)

#### **(2) Removing/grasping/touching a loaded handgun in a vehicle**

Current law prohibits a concealed carry licensee who is transporting or has a loaded handgun in a motor vehicle in a manner authorized under (1), above, from knowingly removing or attempting to remove the loaded handgun from the holster, case, bag, box, container, or glove compartment, knowingly grasping or holding the loaded handgun, or knowingly having 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 contact with the loaded handgun pursuant to and in accordance with directions given by a law enforcement officer. A violation of this prohibition is a felony of the fifth degree (under R.C. 2923.128(B), the offender's license generally must be revoked). The bill repeals this prohibition and the related penalty. (Current R.C. 2923.16(E)(2), repealed, and R.C. 2923.16(I).)

### **(3) Informing law enforcement officer or Motor Carrier Enforcement Unit employee of license and loaded handgun in a vehicle, after being stopped**

Current law prohibits a concealed carry licensee who is the driver or an occupant of a motor vehicle that is stopped as a result of a traffic stop or a stop for another law enforcement purpose or is the driver or an occupant of a commercial motor vehicle that is stopped by an employee of the Motor Carrier Enforcement Unit for the purposes defined in R.C. 5503.34 (see **COMMENT 3**), and who is transporting or has a loaded handgun in the motor vehicle or commercial motor vehicle in any manner, from failing to do any of the following that is applicable:

(a) If the person is the driver or an occupant of a motor vehicle stopped as a result of a traffic stop or a stop for another law enforcement purpose, failing to promptly inform any law enforcement officer who approaches the vehicle while stopped that the person is a concealed carry licensee and that the person then possesses or has a loaded handgun in the motor vehicle;

(b) If the person is the driver or an occupant of a commercial motor vehicle stopped by an employee of the Motor Carrier Enforcement Unit for any of the defined purposes, failing to promptly inform the employee of the unit who approaches the vehicle while stopped that the person is a concealed carry licensee and that the person then possesses or has a loaded handgun in the commercial motor vehicle.

A violation of this prohibition generally is a misdemeanor of the first degree, and the offender's license must be suspended for one year under R.C. 2923.126(A)(2). If, at the time of the stop of the offender, the officer or employee who made the stop had actual knowledge of the offender's status as a concealed carry licensee, the violation is a minor misdemeanor, and the offender's license is not suspended. The bill does not change this prohibition or the penalty for it but redesignates the division in which the prohibition is located and makes technical changes in the prohibition. (Current R.C. 2923.16(E)(3), redesignated as R.C. 2923.16(E)(1) and (2), and R.C. 2923.16(I).)

### **(4) Remaining in a vehicle/keeping hands in plain sight, after being stopped**

Current law prohibits a concealed carry licensee who is the driver or an occupant of a motor vehicle that is stopped as a result of a traffic stop or a stop for another law enforcement purpose and who is transporting or has a loaded handgun in the motor vehicle in any manner from knowingly failing to remain in the motor vehicle while stopped or knowingly failing 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 the failure is pursuant to and in accordance with directions given by a law enforcement officer. A violation of this prohibition is a misdemeanor of the first degree or, if the offender previously has been convicted of a



violation of this prohibition or the prohibition described below in (6), a felony of the fifth degree (under R.C. 2923.128(A)(2) and (B), the offender's license must be suspended for one year if the offense is a misdemeanor and must be revoked if it is a felony). The bill expressly makes this prohibition apply to a concealed carry licensee *who is the driver or an occupant of a commercial motor vehicle that is stopped by an employee of the Motor Carrier Enforcement Unit for the purposes defined in R.C. 5503.34* but does not otherwise change the prohibition or the penalty for it. (Current R.C. 2923.16(E)(4), redesignated as R.C. 2923.16(E)(3), and R.C. 2923.16(I).)

#### **(5) Removing/grasping/touching a loaded handgun, after being stopped**

Current law prohibits a concealed carry licensee who is the driver or an occupant of a motor vehicle that is stopped as a result of a traffic stop or a stop for another law enforcement purpose, who is transporting or has a loaded handgun in the motor vehicle in a manner authorized under (1), above, and who is approached by any law enforcement officer while stopped, from knowingly removing or attempting to remove the loaded handgun from the holster, case, bag, box, container, or glove compartment, knowingly grasping or holding the loaded handgun, or knowingly having contact with the loaded handgun by touching it with the person's hands or fingers in the motor vehicle at any time after the officer begins approaching and before the officer leaves, unless the person removes, attempts to remove, grasps, holds, or has contact with the loaded handgun pursuant to and in accordance with directions given by the officer. A violation of this prohibition is a felony of the fifth degree (under R.C. 2923.128(B), the offender's license generally must be revoked).

The bill modifies this prohibition by: (a) repealing the portion that refers to a loaded handgun being transported or possessed in the motor vehicle in a manner authorized under (1), above, so that the prohibition applies to transporting or possessing a loaded handgun in a motor vehicle in any manner, (b) repealing the portion that refers to the person being approached by "any" law enforcement officer while stopped, (c) repealing the portion that refers to the removal or attempted removal of the loaded handgun from the place in which it is transported or possessed and the portion that refers to grasping or holding the loaded firearm (this change is consistent with the repeal of the prohibitions discussed in (1) and (2) above), and (d) expressly making it apply to a concealed carry licensee who is the driver or an occupant of a commercial motor vehicle that is stopped by an employee of the Motor Carrier Enforcement Unit for the purposes defined in R.C. 5503.34. Thus, under the bill, the prohibition prohibits a concealed carry licensee who is the driver or an occupant of a motor vehicle that is stopped as a result of a traffic stop or a stop for another law enforcement purpose or *is the driver or an occupant of a commercial motor vehicle that is stopped by an employee of the Motor Carrier Enforcement Unit for the purposes defined in R.C. 5503.34* and who is transporting or has a loaded handgun in the motor vehicle *in any*



*manner* from knowingly having contact with the loaded handgun by touching it with the person's hands or fingers in the motor vehicle at any time after the officer begins approaching and before the officer leaves, unless the person removes, attempts to remove, grasps, holds, or has contact with the loaded handgun pursuant to and in accordance with directions given by the officer. The bill does not change the penalty for a violation of the prohibition. (Current R.C. 2923.16(E)(5), redesignated as R.C. 2923.16(E)(4), and R.C. 2923.16(I).)

#### **(6) Complying with an order of a law enforcement officer, after being stopped**

Current law prohibits a concealed carry licensee who is the driver or an occupant of a motor vehicle that is stopped as a result of a traffic stop or a stop for another law enforcement purpose and who is transporting or has a loaded handgun in the motor vehicle in any manner, from knowingly disregarding or failing to comply with any lawful order of any law enforcement officer given while the motor vehicle is stopped, including, but not limited to, a specific order to the person to keep the person's hands in plain sight. A violation of this prohibition is a misdemeanor of the first degree or, if the offender previously has been convicted of a violation of this prohibition or the prohibition described above in (4), a felony of the fifth degree (under R.C. 2923.128(A)(2) and (B), the offender's license must be suspended for two years if the offense is a misdemeanor and must be revoked if it is a felony). The bill expressly makes this prohibition apply to a concealed carry licensee *who is the driver or an occupant of a commercial motor vehicle that is stopped by an employee of the Motor Carrier Enforcement Unit for the purposes defined in R.C. 5503.34* but does not otherwise change the prohibition or the penalty for it. (Current R.C. 2923.16(E)(6), redesignated as R.C. 2923.16(E)(5), and R.C. 2923.16(I).)

#### **(7) Exemptions from the prohibitions applicable only to concealed carry licensees**

Current law and the bill specify that the existing prohibitions described above in (1) to (6) of this part of the analysis do not apply to: (a) officers, agents, or employees of Ohio or any other state or the United States, or to law enforcement officers, when authorized to carry or have loaded or accessible firearms in motor vehicles and acting within the scope of their duties, or (b) any person who is employed in Ohio, who is authorized to carry or have loaded or accessible firearms in motor vehicles, and who is subject to and in compliance with the firearms requalification requirements of R.C. 109.801, unless the appointing authority of that person has expressly specified that this exemption does not apply to the person. (R.C. 2923.16(F)(1).)

### **General prohibitions applicable to all persons**

The following prohibitions and the related penalties and other provisions apply generally to all persons and are modified in some manner by the bill (other prohibitions

against discharging a firearm from a vehicle and transporting a loaded handgun in a vehicle while intoxicated are not changed by the bill and are not discussed in this analysis):

**(1) Manner of transporting a loaded firearm in a vehicle**

Current law prohibits a person from knowingly transporting or having 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. A violation of this prohibition is one of the following: (a) if the offender was carrying a valid concealed carry license, temporary emergency concealed carry license, or license to carry a concealed handgun issued by another state with which the AG has entered into a reciprocity agreement and the offender was not knowingly in a prohibited place described in R.C. 2923.126(B), a misdemeanor of the first degree or, if the offender previously has been convicted of a violation of the prohibition, a felony of the fourth degree, or (b) if clause (a) does not apply, a felony of the fourth degree.

The exemption described below in (3) applies to this prohibition. Also, this prohibition does not apply to a person who is the operator of or a passenger in a vehicle that is in an unincorporated area of a township, who is on property owned by the person, the spouse or a parent of the person, the landlord of the person, or the landlord of the spouse or a parent of the person, and who did not illegally transport or possess a firearm in a motor vehicle prior to arriving on that property. Additionally, it does not apply in specified circumstances to a person who is on or in an electric-powered all-purpose vehicle during the open hunting season for a wild quadruped or game bird.

Finally, this prohibition does not apply to a person who is transporting or carrying a handgun in a vehicle, if the person is carrying a valid concealed carry license, the person is not knowingly in a prohibited place described in R.C. 2923.126(B), and one of the following applies: (a) the handgun is in a holster on the person's person, (b) the handgun is in a closed case, bag, box, or other container that is in plain sight and that has a lid, a cover, or a closing mechanism with a zipper, snap, or buckle, which lid, cover, or closing mechanism must be opened for a person to gain access to the handgun, or (c) the handgun is securely encased by being stored in a closed glove compartment or a vehicle console or in a case that is locked.

Current law, unchanged by the bill, provides limited affirmative defenses to a charge of a violation of this prohibition.

The bill does not change this prohibition, but it modifies the penalty for it and the exemption that is described in the second preceding paragraph. The bill eliminates the potential misdemeanor penalty, so that a violation of the prohibition always is a

felony of the fourth degree. The bill eliminates the third criterion that currently must be satisfied for the exemption to apply. Under the bill, that exemption specifies that the prohibitions do not apply to a person who is transporting or carrying a handgun in a vehicle, if the person is carrying a valid concealed carry license and the person is not knowingly in a prohibited place described in R.C. 2923.126(B). (R.C. 2923.16(B), (F)(1), (F)(4), (F)(5), (F)(6), (G), and (I).)

## **(2) Manner of transporting a firearm in a vehicle**

Current law prohibits a person from knowingly transporting or having a firearm in a motor vehicle, unless the person may lawfully possess the firearm under state and federal law, the firearm is unloaded, and it is carried: (a) in a closed package, box, or case, (b) in a compartment that can be reached only by leaving the vehicle, (c) in plain sight and secured in a rack or holder made for that purpose, or (d) if it is at least 24 inches in overall length as measured from the muzzle to part of the stock furthest from the muzzle and if the barrel is at least 18 inches in length, either in plain sight with the action open or the weapon stripped, or, if the firearm is of a type on which the action will not stay open or which cannot easily be stripped, in plain sight. A violation of this prohibition is a misdemeanor of the fourth degree.

All of the exemptions and affirmative defenses described above in (1) apply to this prohibition.

The bill does not change this prohibition or the penalty for it, but it modifies one of the applicable exemptions in the manner described above in (1). (R.C. 2923.16(C), (F)(1), (F)(4), (F)(5), (F)(6), (G), and (I).)

## **(3) Exemption from the prohibitions applicable generally to all persons**

Current law and the bill specify that the prohibitions described above in (1) and (2) of this part of the analysis do not apply to: (a) officers, agents, or employees of Ohio or any other state or the United States, or to law enforcement officers, when authorized to carry or have loaded or accessible firearms in motor vehicles and acting within the scope of their duties, or (b) any person who is employed in Ohio, who is authorized to carry or have loaded or accessible firearms in motor vehicles, and who is subject to and in compliance with the firearms requalification requirements of R.C. 109.801, unless the appointing authority of that person has expressly specified that this exemption does not apply to the person. (R.C. 2923.16(F)(1).)

## **Conforming changes**

Current law contains provisions that govern the mandatory suspensions of concealed carry licenses or temporary concealed carry licenses of persons who have

been convicted of violations of specified prohibitions within the offense of "improperly handling firearms in a motor vehicle." The provisions also apply regarding convictions of specified prohibitions within the offense of "carrying concealed weapons." The bill changes a series of references to various divisions of R.C. 2923.16 that are included within the suspension provisions to conform the references to the divisional redesignations in R.C. 2923.16 that the bill makes (R.C. 2923.128(A)(2)).

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## COMMENT

1. The Division of Liquor Control of the Department of Commerce provides the following information on its Internet web site describing the various types of D permits:

### Retail store carryout

D8 -- R.C. 4303.184. Sale of tasting samples of beer, wine, and mixed beverages, but not spirituous liquor, at retail, for consumption on premises.

### Restaurant/night club

D-1 -- R.C. 4303.13. Beer only for on-premises consumption or in sealed containers for carry out.

D-2 -- R.C. 4303.14. Wine and certain prepackaged drinks for on-premises consumption or in sealed containers for carry out.

D-2x -- R.C. 4303.141. Beer only for on-premises consumption or in sealed containers.

D-3 -- R.C. 4303.15. Spirituous liquor for on-premises consumption only until 1:00 a.m.

D-3x -- R.C. 4303.151. Wine only for on-premises consumption only until 1:00 a.m.

D-3a -- R.C. 4303.16. Extend issued permit privileges until 2:30 a.m.

D-5 -- R.C. 4303.18. Spirituous liquor for on-premises consumption only, beer and wine for on-premises, or off-premises in original sealed containers, until 2:30 a.m.

D-5i -- R.C. 4303.181. Spirituous liquor for on-premises consumption only, beer and wine for on-premises, and off-premises in original sealed containers, until 2:30 a.m. (restaurants meeting certain criteria).

D-7 -- R.C. 4303.183. Beer and any intoxicating liquor by the glass or container for consumption on the premises only until 2:30 a.m. (RESORT area ONLY).

### Club

D-4 -- R.C. 4303.17. Beer and any intoxicating liquor to members only, for on-premises consumption only until 1:00 a.m.

D-4a -- R.C. 4303.171. Airline club only -- Beer and any intoxicating liquor to members and guests until 2:00 a.m.

D-5c -- R.C. 4303.181. (Same as D-5.) (This class can no longer be applied for.)

D-5d -- R.C. 4303.181. (Same as D-5) located at airport.

### Hotel and motel

D-5a -- R.C. 4303.181. (Same as D-5) for hotel or motel with 50 or more rooms for transient guests.

### Enclosed shopping mall

D-5b 1 -- R.C. 4303.181. (Same as D-5) for enclosed shopping mall.

### River boats

D-5e -- R.C. 4303.181. Beer and intoxicating liquor for on-premises consumption only, until 2:30 a.m. (historical river boat owned by charitable organization only).

### Marinas

D-5f -- R.C. 4303.181. Beer and intoxicating liquor by the glass or container for on-premises consumption only until 2:30 a.m. (marina restaurant only).

### Museums

D-5g -- R.C. 4303.181. Beer and intoxicating liquor by the glass or container for on-premises consumption only until 1:00 a.m. (national sports museum only).

D-5h -- R.C. 4303.181. Beer and intoxicating liquor by the glass or container for on-premises consumption only until 1:00 a.m. (fine arts museum only).

*Community entertainment district/revitalization*

D-5j -- R.C. 4303.181. Spirituous liquor for on-premises consumption only, beer and wine for on-premises and off-premises in original sealed containers, until 2:30 a.m. (for a community entertainment district).

D-5l -- R.C. 4303.181. Sale of beer and intoxicating liquor at retail by the glass or container for on-premises consumption until 2:30 a.m. (retail food establishment or food service operation meeting certain criteria).

*Sunday sales*

D-6 -- R.C. 4303.182. Sale of intoxicating liquor on Sunday between the hours 10:00 a.m. or 1:00 p.m. and midnight.

*Other*

D-5k -- R.C. 4303.181. Sale of beer and intoxicating liquor for on-premises consumption issued to certain nonprofit organizations that own and operate a botanical garden.

D-5m -- R.C. 4303.181. Sale of beer and intoxicating liquor at retail by the glass or container for on-premises consumption only until 1:00 a.m. (restaurant affiliated with center for the preservation of wild animals).

2. Other exemptions provided under existing law, unchanged by the bill, specify that R.C. 2923.121 does not do any of the following (R.C. 2923.121(B)(1)(a) to (d), (B)(2), and (B)(3)):

(a) Apply to an officer, agent, or employee of Ohio or any other state or the United States, or to a law enforcement officer, who is authorized to carry firearms and is acting within the scope of the officer's, agent's, or employee's duties, or apply to any person employed in Ohio who is authorized to carry firearms and who is subject to and in compliance with the firearms requalification requirements of R.C. 109.801, unless the appointing authority of the person has expressly specified that the exemption described in this paragraph does not apply to the person;

(b) Apply to any room used for the accommodation of guests of a hotel, as defined in R.C. 4301.01;

(c) Apply to the principal holder of a D permit issued for premises or an open air arena under R.C. Chapter 4303. while in the premises or open air arena for which the permit was issued, if the principal holder also possesses a valid concealed carry license

and as long as the principal holder is not consuming 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 R.C. 2151.3515, 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 liquor or under the influence of alcohol or a drug of abuse.

(d) Prohibit any member of a veteran's organization, as defined in R.C. 2915.01, 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.

(e) 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 R.C. Chapter 345., in a convention center, or in any other public meeting place, if the person is an exhibitor, trader, purchaser, or seller of firearms and is not otherwise prohibited by law from possessing, trading, purchasing, or selling the firearms.

3. R.C. 5503.34 creates in the Department of Public Safety, Division of State Highway Patrol, a Motor Carrier Enforcement Unit, to be administered by the Superintendent of the State Highway Patrol. The Unit is responsible for enforcement of commercial motor vehicle transportation safety, economic, and hazardous materials requirements. Employees of the Unit are required to cooperate with the Public Utilities Commission to enforce compliance with orders and rules of the Commission, applicable laws under R.C. Chapters 4919., 4921., and 4923., and any other applicable laws or rules. Uniformed employees of the Unit may stop commercial motor vehicles for the exclusive purpose of inspecting the vehicles to enforce compliance with orders and rules of the Public Utilities Commission as required by R.C. 5502.01(F).

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## HISTORY

### ACTION

### DATE

Introduced  
Reported, S. Judiciary - Criminal Justice

03-16-10  
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