



## *Synopsis of House Committee Amendments\**

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### **Sub. S.B. 184**

127th General Assembly  
(H. Criminal Justice)

The House committee adopted amendments to the Senate version of the bill to do the following:

Provide that the presumption in the Senate version that a person acted in self defense or defense of another does not apply if the person who uses the defensive force uses it while in a vehicle and the person is unlawfully, and without privilege to be, in the vehicle.

Replace a prohibition in existing law removed by the Senate version of the bill against a court imposing more than one prison term on an offender for a firearm specification for felonies committed as part of the same act and make the prohibition subject to the provision described in the next paragraph.

Limit a provision in the Senate version of the bill requiring a court to impose on an offender the prison terms for the two most serious firearm specifications of which the offender is convicted and that arise in connection with two or more felonies of which the offender is convicted and allowing the court to impose other firearm specifications of which the offender is convicted and that arise in connection with the felonies of which the offender is convicted to limit the requirement to when one or more of the felonies of which the offender is convicted is aggravated murder, murder, attempted aggravated murder, attempted murder, aggravated robbery, felonious assault, or rape.

Provide that the court may not impose any prison term for a firearm specification upon an offender for illegal conveyance or possession of a deadly weapon or dangerous ordnance in a school safety zone or illegal possession of an object indistinguishable from a firearm in a school safety zone that involves a deadly weapon that is a firearm other than a dangerous ordnance, improperly handling firearms in a motor vehicle, or illegal possession of a firearm in liquor permit premises.

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\* This synopsis does not address amendments that may have been adopted on the House floor.

Provide that the offense of "carrying concealed weapons" does not apply to a person's transportation in a motor vehicle for any lawful purpose of a firearm other than a zip gun, explosive device, incendiary device, ballistic knife, dangerous ordnance, or explosive if the firearm is not on the actor's person or to a person's storage or possession in the actor's own home for any lawful purpose of a firearm other than a zip gun, explosive device, incendiary device, ballistic knife, dangerous ordnance, or explosive.

Remove the affirmative defense to the prohibition in the offense of "carrying concealed weapons" against a person knowingly carrying or having, concealed on the person's person or concealed ready at hand (control of), a weapon other than a handgun or a dangerous ordnance that (1) the actor was not otherwise prohibited by law from having the weapon, (2) the weapon was being transported in a motor vehicle for any lawful purpose, (3) the weapon was not on the actor's person, and (4) if the weapon was a firearm, it was 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 the purpose, or (d) 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.

Remove the affirmative defense to the prohibition in the offense of "carrying concealed weapons" against a person carrying or having, concealed on the person's person or concealed ready at hand (having control), a handgun other than a dangerous ordnance that (1) the actor was not otherwise prohibited by law from having the handgun and (2) the handgun was carried or kept ready at hand by the actor for any lawful purpose and while in the actor's own home if prior to arriving at the actor's own home the actor did not transport or possess the handgun in a motor vehicle in a manner prohibited by the offense of "improperly handling firearms in a motor vehicle" while the motor vehicle was being operated on a street, highway, or other public or private property used by the public for vehicular traffic.

Provide that the penalty for the prohibition against a concealed carry licensee, when stopped for a law enforcement purpose and carrying a concealed handgun, failing to promptly inform a law enforcement officer who approaches the licensee that the licensee has been issued a concealed carry license and is carrying a concealed handgun is a minor misdemeanor (instead of a first degree misdemeanor) and that the offender's concealed carry license may not be suspended for the violation if at the time of the stop any law enforcement officer involved with the stop had actual knowledge that the offender has been issued a concealed carry license.

Require a law enforcement agency to maintain a firearm in a manner that if it subsequently is to be returned it can be identified and returned to the person in the same condition as when seized and require a court to award reasonable costs and attorney's fees to the person who sought the return of the firearm, when a law enforcement officer stops a person for any law enforcement purpose and the person surrenders for any reason a firearm to the officer, when a law enforcement officer stops a motor vehicle for any

purpose and a person in the motor vehicle surrenders for any reason a firearm to the officer, or when a law enforcement officer otherwise seizes a firearm from a person and the officer does not return the firearm to the person at the termination of the stop or otherwise promptly return the firearm to the person after its seizure and the court orders an officer to return the firearm to the person.

Modify the offense of "illegal possession of a firearm in liquor permit premises" by replacing the prohibition against a person possessing a firearm in any room in which "liquor is being dispensed" in premises for which a D permit has been issued under R.C. Chapter 4303. with a prohibition against a person possessing a firearm in any room in which any person is consuming liquor in premises for which such a permit has been issued.

Provide that the prohibitions in the offense of "illegal possession of a firearm in liquor permit premises," as modified by the bill, do not apply to (1) 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 of the D permit also possesses a 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, (2) any agent or employee of a D permit holder described in clause (1) who is also 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, or (3) any person who is carrying a valid concealed carry license 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, as long as the person is not consuming liquor or under the influence of alcohol or a drug of abuse.

Modify the penalty for the offense of "illegal possession of a firearm in liquor permit premises" to provide that if an offender commits the offense by knowingly carrying or having the firearm concealed on the offender's person or concealed ready at hand, the offense is a felony of the third degree.

Provide that the offenses of "illegal conveyance or possession of a deadly weapon or dangerous ordnance in a school safety zone" and "illegal possession of an object indistinguishable from a firearm in a school safety zone" do not apply to a person who conveys or attempts to convey a handgun into, or possesses a handgun in, a school safety zone if the person is carrying a valid concealed license, is the driver or passenger in a motor vehicle and is in the school safety zone while immediately in the process of picking up or dropping off a child, and is not in violation of the offense of "improperly handling firearms in a motor vehicle."

Provide that if an applicant for a license to carry a concealed handgun has been convicted of, pleaded guilty to, or adjudicated a delinquent child for committing an

offense that otherwise would disqualify the applicant from getting a license and if a court has sealed or expunged that conviction, guilty plea, or adjudication or granted the applicant relief from a weapons disability with respect to the conviction, guilty plea, or adjudication, the sheriff with whom the application is submitted is not to consider the conviction, guilty plea, or adjudication when determining the applicant's eligibility for a concealed handgun license or a renewed concealed handgun license.

Provide that if a person seeking a temporary emergency license to carry a concealed handgun has been convicted of, pleaded guilty to, or been adjudicated a delinquent child for committing an offense described in the prior paragraph and if a court has ordered the sealing or expungement of the records of that conviction, guilty plea, or adjudication or a court has granted the applicant relief from a weapons disability imposed relative to that conviction, guilty plea, or adjudication, the conviction, guilty plea, or adjudication is not relevant for purposes of the sworn affidavit that the person must complete in order to obtain the emergency license, and the person may complete, and swear to the truth of the affidavit as if the conviction, guilty plea, or adjudication never occurred.

Provide that a licensee who wishes to renew a license to carry a concealed handgun must do so no earlier than 90 days before the expiration date of the license (existing law) *or at any time* (instead of not later than 30 days as under existing law) after the expiration date of the license.

Permit certain applicants for a renewed concealed carry license to comply with the requirement for a renewed competency certification by passing a test that demonstrates that the person is range competent, provide that in these circumstances, the person is not required to attend the course, class, or program or to take the competency examination described in existing law for the renewed competency certification in order to be eligible to receive a renewed competency certification, and provide that a renewed competency certification must be dated and must attest that the person has demonstrated range competency.

Extends the civil immunity that is currently granted to an entity or instructor who provides a renewed competency certification to an entity or instructor that makes a good faith effort in assessing a person in the physical demonstrations described in the previous paragraph.

Eliminate the requirement that an applicant for a renewed license to carry a concealed handgun submit with the application a new color photograph of the licensee that was taken within 30 days prior to the date of the renewal application and a new set of fingerprints provided in the manner specified in existing law regarding initial applications for a license to carry a concealed handgun.

Prohibit a concealed carry licensee from carrying a concealed handgun in any building that is a "government facility of this state or a political subdivision of this state"

and that is not a building that is used primarily as a shelter, restroom, parking facility for motor vehicles, or rest facility and is not a courthouse or other building or structure in which a courtroom is located that is subject to R.C. 2925.126(B)(3) and require the officer in charge of such a building to post a notice of the prohibition.

Prohibit a concealed carry licensee from carrying a concealed handgun in any premises or open air arena for which a D permit has been issued under R.C. Chapter 4303. if the licensee's carrying the concealed handgun is in violation of R.C. 2923.121.

Provide that, if a person knowingly violates a posted prohibition against carrying a handgun on private land or premises and if the posted land or premises primarily was a parking lot or other parking facility, the person who violates the posted prohibition is not guilty of criminal trespass and instead is subject only to a civil cause of action for trespass based on the violation.

Provide that a landlord may not prohibit or restrict a tenant who is a concealed carry licensee and who on or after the effective date of the bill enters into a rental agreement with the landlord for the use of residential premises, and the tenant's guest while the tenant is present from lawfully carrying or possessing a handgun on those premises.

Remove the requirement that a retired peace officer have a nonforfeitable right to benefits under the retirement plan of the agency from which the officer retired in order to get a retired peace officer identification card and specifies that if a retired peace officer who qualifies for a retired peace officer identification card successfully attends and completes an approved firearms requalification program, the retired peace officer is requalified for purposes of obtaining the rights of a concealed carry licensee for five years from the date on which the program was successfully completed.

Specify that if a sheriff who issues a concealed carry license becomes aware that at the time of the issuance of the license the licensee had been convicted of, pleaded guilty to, or adjudicated a delinquent child for committing a disqualifying offense or becomes aware that on or after the date on which the license was issued the licensee has been convicted of or pleaded guilty to a disqualifying offense, the sheriff is not to consider that conviction, guilty plea, or adjudication as having occurred for purposes of a suspension or revocation of the license if a court has ordered the sealing or expungement of the records of that conviction, guilty plea, or adjudication or a court has granted the licensee relief from a weapons disability imposed relative to that conviction, guilty plea, or adjudication.

Provide that the concealed carry license of a licensee who fails to promptly inform any law enforcement officer who approaches the person after the person has been stopped that the person has been issued a license or temporary emergency license to carry a concealed handgun and that the person then is carrying a concealed handgun or who is convicted of a similar violation under the offense of improperly handling firearms in a

motor vehicle is not to be suspended if, at the time of the stop of the licensee, any law enforcement officer involved in the stop or the employee of the motor carrier enforcement unit who made the stop had actual knowledge of the licensee's status as a licensee.

Regarding the prohibition in the offense of "improperly handling firearms in a motor vehicle" that prohibits a person from knowingly transporting or having a firearm in a motor vehicle unless the firearm is unloaded and is carried in a specified manner, revise the prohibition so that, to avoid being in violation of the prohibition, a person also will have to lawfully possess the firearm under applicable law of Ohio or the United States and provide that if the firearm is at least 24 inches in overall length as measured from the muzzle to the part of the stock furthest from the muzzle and if the barrel is at least 18 inches in length, the firearm must be 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 be stripped, in plain sight.

Make the prohibition against a person knowingly transporting or having a loaded handgun in a motor vehicle if, at the time of that transportation or possession, the person is under the influence of alcohol, a drug of abuse, or a combination of them or the person's whole blood, blood serum or plasma, breath, or urine contains a concentration of alcohol prohibited for persons operating a vehicle under the offense of state OVI or state OVUAC apply when the person's whole blood, blood serum or plasma, breath, or urine contains a listed controlled substance or a listed metabolite of a controlled substance prohibited for persons operating a vehicle under the offense of state OVI or state OVUAC, regardless of whether the person is the operator of or a passenger in the vehicle.

Prohibit a person who has been issued a license or temporary emergency license to carry a concealed handgun from transporting or having a loaded handgun in a motor vehicle unless (1) the loaded handgun is in a holster on the licensee's person (existing law), (2) the loaded handgun is in a closed case, bag, box, or other container that is in plain sight and that has a lid, cover, or 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 (existing law), or (3) the handgun is securely encased by being stored in a closed glove compartment (existing law requires that the glove compartment also be locked) or vehicle console (added by the bill) or in a case that is locked.

Make other modifications to the offense of "improperly handling firearms in a motor vehicle."

Regarding the prohibition in the offense of "improperly handling firearms in a motor vehicle" that prohibits a concealed carry licensee who is in a motor vehicle that is stopped for any law enforcement purpose and who possesses a loaded handgun in the vehicle from failing to promptly inform any law enforcement officer who approaches that the person is a licensee and possesses a loaded handgun, change the penalty for a violation of the prohibition so that: (1) except as provided in clause (2), it is a



misdemeanor of the first degree, and the offender's license or temporary emergency license to carry a concealed handgun must be suspended (existing law), and (2) if, at the time of the stop of the offender for the law enforcement purpose, any law enforcement officer involved with the stop had actual knowledge of the offender's status as a licensee, it is a minor misdemeanor, and the offender's license or temporary emergency license to carry a concealed handgun cannot be suspended.

Regarding the prohibition in the offense of "improperly handling firearms in a motor vehicle" that prohibits a concealed carry licensee who is in a commercial motor vehicle that is stopped by an employee of the Motor Carrier Enforcement Unit for an authorized purpose and who possesses a loaded handgun in the vehicle from failing to promptly inform the employee of the Unit who approaches that the person is a licensee and possesses a loaded handgun, change the penalty for a violation of the prohibition so that: (1) except as provided in clause (2), it is a misdemeanor of the first degree, and the offender's license or temporary emergency license to carry a concealed handgun must be suspended (existing law), and (2) if, at the time of the stop of the offender for the law enforcement purpose, the employee of the Unit who made the stop had actual knowledge of the offender's status as a licensee, it is a minor misdemeanor, and the offender's license or temporary emergency license to carry a concealed handgun cannot be suspended.

Redefine the term "unloaded" that applies for purposes of the offense of "improperly handling firearms in a motor vehicle" so that it means: (1) no ammunition is in the firearm in question, and no ammunition is loaded into a magazine or speed loader that may be used with the firearm in question and that is located anywhere within the vehicle in question, without regard to where ammunition otherwise is located within the vehicle in question (added by the bill), or (2) with respect to a firearm employing a percussion cap, flintlock, or other obsolete ignition system, when the weapon is uncapped or when the priming charge is removed from the pan (existing law).