

Reviewed As To Form By
Legislative Service Commission

LSC 126 0983

126th General Assembly
Regular Session
2005-2006

. B.
No.

A BILL

To amend sections 109.71, 109.731, 109.801, 311.41,
311.42, 1547.69, 2921.13, 2923.12, 2923.121, 2923.122,
2923.123, 2923.125, 2923.126, 2923.127, 2923.128,
2923.129, 2923.1210, 2923.1213, and 2923.16, to enact
section 9.68, and to repeal section 109.542 of the
Revised Code to revise the laws regarding licenses
to carry a concealed handgun and the authority to
carry a concealed handgun under such a license; to
limit journalist access to information regarding
persons who have such a license and who assert
reasonable cause to fear a criminal attack; to
provide exemptions from certain carrying of
firearms-related offenses for persons in compliance
with the Ohio Peace Officer Training Commission's
firearms requalification program; to specifically
provide a self-defense affirmative defense to
discharge of a firearm while in or on a vessel or
motor vehicle-related offenses; to clarify when a
firearm is loaded for purposes of offenses relating
to possession of a loaded firearm while in or on a
vessel or motor vehicle and carrying concealed
weapons; to provide that the sealing or expungement
of a conviction or delinquent child record is an
affirmative defense to falsification based on the
failure to report the record on an application for
a concealed

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handgun license; and to identify, as a general law 27
and matter of statewide concern, the right of any 28
person, except as provided in the Revised Code, to 29
own, possess, purchase, otherwise acquire, 30
transport, carry, sell, or otherwise transfer a 31
firearm, firearm component, or ammunition. 32

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

Section 1. That sections 109.71, 109.731, 109.801, 311.41, 33
311.42, 1547.69, 2921.13, 2923.12, 2923.121, 2923.122, 2923.123, 34
2923.125, 2923.126, 2923.127, 2923.128, 2923.129, 2923.1210, 35
2923.1213, and 2923.16 be amended and section 9.68 of the Revised 36
Code be enacted to read as follows: 37

Sec. 9.68. (A) Except as otherwise provided in the Revised 38
Code, any person may own, possess, purchase, otherwise acquire, 39
transport, carry, sell, or otherwise transfer a firearm, a firearm 40
component, or ammunition for a firearm. This section, sections 41
2923.11 to 2923.23 of the Revised Code, and all other sections of 42
the Revised Code dealing with the ownership, possession, purchase, 43
other acquisition, transport, carrying, sale, or other transfer of 44
firearms, their components, and their ammunition within the state 45
are general laws of the state. 46

(B) Except as otherwise provided in this division, the 47
ownership, possession, purchase, other acquisition, transport, 48
carrying, sale, or other transfer of firearms, their components, 49
and their ammunition is a matter of statewide concern, and this 50
section, sections 2923.11 to 2923.23 of the Revised Code, and all 51
other sections of the Revised Code dealing with those matters 52
preempt and supersede any local laws dealing with ownership, 53
possession, purchase, other acquisition, transport, carrying, 54

sale, or other transfer of firearms, their components, and their 55
ammunition. Nothing in this section prohibits a municipal 56
corporation from enacting an ordinance pertaining to matters other 57
than the ownership, possession, purchase, other acquisition, 58
transport, carrying, sale, or other transfer of firearms, their 59
components, or their ammunition. Nothing in this section preempts 60
or supersedes any local zoning regulations that limit, but do not 61
prohibit, the sale of firearms, firearm components, or ammunition 62
for firearms in areas zoned for commercial, retail, or industrial 63
use. 64

(C) As used in this section: 65

(1) The possession, transporting, or carrying of firearms, 66
their components, or their ammunition include, but are not limited 67
to, the possession, transporting, or carrying, concealed on a 68
person's person or concealed ready at hand, of firearms, their 69
components, or their ammunition. 70

(2) "Firearm" has the same meaning as in section 2923.11 of 71
the Revised Code. 72

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Sec. 109.71. There is hereby created in the office of the 75
attorney general the Ohio peace officer training commission. The 76
commission shall consist of nine members appointed by the governor 77
with the advice and consent of the senate and selected as follows: 78
one member representing the public; two members who are incumbent 79
sheriffs; two members who are incumbent chiefs of police; one 80
member from the bureau of criminal identification and 81
investigation; one member from the state highway patrol; one 82
member who is the special agent in charge of a field office of the 83
federal bureau of investigation in this state; and one member from 84
the department of education, trade and industrial education 85
services, law enforcement training.

As used in sections 109.71 to <u>109.77</u> <u>109.801</u> of the Revised	85
Code:	86
(A) "Peace officer" means:	87
(1) A deputy sheriff, marshal, deputy marshal, member of the	88
organized police department of a township or municipal	89
corporation, member of a township police district or joint	90
township police district police force, member of a police force	91
employed by a metropolitan housing authority under division (D) of	92
section 3735.31 of the Revised Code, or township constable, who is	93
commissioned and employed as a peace officer by a political	94
subdivision of this state or by a metropolitan housing authority,	95
and whose primary duties are to preserve the peace, to protect	96
life and property, and to enforce the laws of this state,	97
ordinances of a municipal corporation, resolutions of a township,	98
or regulations of a board of county commissioners or board of	99
township trustees, or any of those laws, ordinances, resolutions,	100
or regulations;	101
(2) A police officer who is employed by a railroad company	102
and appointed and commissioned by the governor pursuant to	103
sections 4973.17 to 4973.22 of the Revised Code;	104
(3) Employees of the department of taxation engaged in the	105
enforcement of Chapter 5743. of the Revised Code and designated by	106
the tax commissioner for peace officer training for purposes of	107
the delegation of investigation powers under section 5743.45 of	108
the Revised Code;	109
(4) An undercover drug agent;	110
(5) Enforcement agents of the department of public safety	111
whom the director of public safety designates under section	112
5502.14 of the Revised Code;	113
(6) An employee of the department of natural resources who is	114

a natural resources law enforcement staff officer designated	115
pursuant to section 1501.013, a park officer designated pursuant	116
to section 1541.10, a forest officer designated pursuant to	117
section 1503.29, a preserve officer designated pursuant to section	118
1517.10, a wildlife officer designated pursuant to section	119
1531.13, or a state watercraft officer designated pursuant to	120
section 1547.521 of the Revised Code;	121
(7) An employee of a park district who is designated pursuant	122
to section 511.232 or 1545.13 of the Revised Code;	123
(8) An employee of a conservancy district who is designated	124
pursuant to section 6101.75 of the Revised Code;	125
(9) A police officer who is employed by a hospital that	126
employs and maintains its own proprietary police department or	127
security department, and who is appointed and commissioned by the	128
governor pursuant to sections 4973.17 to 4973.22 of the Revised	129
Code;	130
(10) Veterans' homes police officers designated under section	131
5907.02 of the Revised Code;	132
(11) A police officer who is employed by a qualified	133
nonprofit corporation police department pursuant to section	134
1702.80 of the Revised Code;	135
(12) A state university law enforcement officer appointed	136
under section 3345.04 of the Revised Code or a person serving as a	137
state university law enforcement officer on a permanent basis on	138
June 19, 1978, who has been awarded a certificate by the executive	139
director of the Ohio peace officer training commission attesting	140
to the person's satisfactory completion of an approved state,	141
county, municipal, or department of natural resources peace	142
officer basic training program;	143
(13) A special police officer employed by the department of	144

mental health pursuant to section 5119.14 of the Revised Code or	145
the department of mental retardation and developmental	146
disabilities pursuant to section 5123.13 of the Revised Code;	147
(14) A member of a campus police department appointed under	148
section 1713.50 of the Revised Code;	149
(15) A member of a police force employed by a regional	150
transit authority under division (Y) of section 306.35 of the	151
Revised Code;	152
(16) Investigators appointed by the auditor of state pursuant	153
to section 117.091 of the Revised Code and engaged in the	154
enforcement of Chapter 117. of the Revised Code;	155
(17) A special police officer designated by the	156
superintendent of the state highway patrol pursuant to section	157
5503.09 of the Revised Code or a person who was serving as a	158
special police officer pursuant to that section on a permanent	159
basis on October 21, 1997, and who has been awarded a certificate	160
by the executive director of the Ohio peace officer training	161
commission attesting to the person's satisfactory completion of an	162
approved state, county, municipal, or department of natural	163
resources peace officer basic training program;	164
(18) A special police officer employed by a port authority	165
under section 4582.04 or 4582.28 of the Revised Code or a person	166
serving as a special police officer employed by a port authority	167
on a permanent basis on May 17, 2000, who has been awarded a	168
certificate by the executive director of the Ohio peace officer	169
training commission attesting to the person's satisfactory	170
completion of an approved state, county, municipal, or department	171
of natural resources peace officer basic training program;	172
(19) A special police officer employed by a municipal	173
corporation who has been awarded a certificate by the executive	174
director of the Ohio peace officer training commission for	175

satisfactory completion of an approved peace officer basic 176
training program and who is employed on a permanent basis on or 177
after March 19, 2003, at a municipal airport, or other municipal 178
air navigation facility, that has scheduled operations, as defined 179
in section 119.3 of Title 14 of the Code of Federal Regulations, 180
14 C.F.R. 119.3, as amended, and that is required to be under a 181
security program and is governed by aviation security rules of the 182
transportation security administration of the United States 183
department of transportation as provided in Parts 1542. and 1544. 184
of Title 49 of the Code of Federal Regulations, as amended; 185

(20) A police officer who is employed by an owner or operator 186
of an amusement park that has an average yearly attendance in 187
excess of six hundred thousand guests and that employs and 188
maintains its own proprietary police department or security 189
department, and who is appointed and commissioned by a judge of 190
the appropriate municipal court or county court pursuant to 191
section 4973.17 of the Revised Codes 192

(21) An investigator, as defined in section 109.541 of the 193
Revised Code, of the bureau of criminal identification and 194
investigation who is commissioned by the superintendent of the 195
bureau as a special agent. 196

(B) "Undercover drug agent" has the same meaning as in 197
division (B)(2) of section 109.79 of the Revised Code. 198

(C) "Crisis intervention training" means training in the use 199
of interpersonal and communication skills to most effectively and 200
sensitively interview victims of rape. 201

(D) "Missing children" has the same meaning as in section 202
2901.30 of the Revised Code. 203

Sec. 109.731. (A) The Ohio peace officer training commission 204
shall prescribe, and shall make available to sheriffs, all of the 205

following:	206
(1) An application form that is to be used under section 2923.125 of the Revised Code by a person who applies for a license to carry a concealed handgun or for the renewal of a license of that nature and that conforms substantially to the form prescribed in section 2923.1210 of the Revised Code;	207 208 209 210 211
(2) A form for the license to carry a concealed handgun that is to be issued by sheriffs to persons who qualify for a license to carry a concealed handgun under section 2923.125 of the Revised Code and that conforms to the following requirements:	212 213 214 215
(a) It has space for the licensee's full name, residence address, and date of birth and for a color photograph of the licensee.	216 217 218
(b) It has space for the date of issuance of the license, its expiration date, its county of issuance, the name of the sheriff who issues the license, and the unique combination of letters and numbers that identify the county of issuance and the license given to the licensee by the sheriff in accordance with division (A)(4) of this section.	219 220 221 222 223 224
(c) It has space for the signature of the licensee and the signature or a facsimile signature of the sheriff who issues the license.	225 226 227
(d) It does not require the licensee to include serial numbers of handguns, other identification related to handguns, or similar data that is not pertinent or relevant to obtaining the license and that could be used as a de facto means of registration of handguns owned by the licensee.	228 229 230 231 232
(3) A series of three-letter county codes that identify each county in this state;	233 234
(4) A procedure by which a sheriff shall give each license,	235

replacement license, or renewal license to carry a concealed 236
handgun and each temporary emergency license or replacement 237
temporary emergency license to carry a concealed handgun the 238
sheriff issues under section 2923.125 or 2923.1213 of the Revised 239
Code a unique combination of letters and numbers that identifies 240
the county in which the license or temporary emergency license was 241
issued and that uses the county code and a unique number for each 242
license and each temporary emergency license the sheriff of that 243
county issues; 244

(5) A form for the temporary emergency license to carry a 245
concealed handgun that is to be issued by sheriffs to persons who 246
qualify for a temporary emergency license under section 2923.1213 247
of the Revised Code, which form shall conform to all the 248
requirements set forth in divisions (A)(2)(a) to (d) of this 249
section and shall additionally conspicuously specify that the 250
license is a temporary emergency license and the date of its 251
issuance. 252

(B)(1) The Ohio peace officer training commission, in 253
consultation with the attorney general, shall prepare a pamphlet 254
that does all of the following, in everyday language: 255

(a) Explains the firearms laws of this state; 256

(b) Instructs the reader in dispute resolution and explains 257
the laws of this state related to that matter; 258

(c) Provides information to the reader regarding all aspects 259
of the use of deadly force with a firearm, including, but not 260
limited to, the steps that should be taken before contemplating 261
the use of, or using, deadly force with a firearm, possible 262
alternatives to using deadly force with a firearm, and the law 263
governing the use of deadly force with a firearm. 264

(2) The attorney general shall consult with and assist the 265
commission in the preparation of the pamphlet described in 266

division (B)(1) of this section and, as necessary, shall recommend
to the commission changes in the pamphlet to reflect changes in
the law that are relevant to it. The commission shall make copies
of the pamphlet available to any person, public entity, or private
entity that operates or teaches a training course, class, or
program described in division (B)(3)(a), (b), (c), and (e) of
section 2923.125 of the Revised Code and requests copies for
distribution to persons who take the course, class, or program,
and to sheriffs for distribution to applicants under section
2923.125 of the Revised Code for a license to carry a concealed
handgun and applicants under that section for the renewal of a
license to carry a concealed handgun.

(C)(1) The Ohio peace officer training commission, in
consultation with the attorney general, shall prescribe a fee to
be paid by an applicant under section 2923.125 of the Revised Code
for a license to carry a concealed handgun or for the renewal of a
license to carry a concealed handgun as follows:

for five or more years, an amount that does not exceed the
actual cost of issuing the license, including, but not
limited to, the cost of conducting the criminal records check, or
forty five dollars;

for less than five years, The prescribed fee shall be an amount
that shall consist of the actual cost of having a criminal
background check performed by the federal bureau of investigation,
if one is performed as provided in section 311.41 of the
Revised Code, plus the lesser of the actual cost of issuing the
license, including, but not limited to, the cost of conducting the
criminal records check, or whichever of the following is
applicable:

(a) For an application made on or after the effective date of 298
this amendment, fifty-five dollars; 299

(b) For an application made prior to the effective date of 300
this amendment, forty-five dollars. 301

(2) The commission, in consultation with the attorney 302
general, shall specify the portion of the fee prescribed under 303
division (C)(1) of this section that will be used to pay each 304
particular cost of the issuance of the license. The sheriff shall 305
deposit all fees paid by an applicant under section 2923.125 of 306
the Revised Code into the sheriff's concealed handgun license 307
issuance expense fund established pursuant to section 311.42 of 308
the Revised Code. 309

(D) The Ohio peace officer training commission shall maintain 310
statistics with respect to the issuance, renewal, suspension, 311
revocation, and denial of licenses to carry a concealed handgun 312
and the suspension of processing of applications for those 313
licenses, and with respect to the issuance, suspension, 314
revocation, and denial of temporary emergency licenses to carry a 315
concealed handgun, as reported by the sheriffs pursuant to 316
division (C) of section 2923.129 of the Revised Code. Not later 317
than the first day of March in each year, the commission shall 318
submit a statistical report to the governor, the president of the 319
senate, and the speaker of the house of representatives indicating 320
the number of licenses to carry a concealed handgun that were 321
issued, renewed, suspended, revoked, and denied in the previous 322
calendar year, the number of applications for those licenses for 323
which processing was suspended in accordance with division (D) (3) 324
of section 2923.125 of the Revised Code in the previous calendar 325
year, and the number of temporary emergency licenses to carry a 326
concealed handgun that were issued, suspended, revoked, or denied 327
in the previous calendar year. Nothing in the statistics or the 328
statistical report shall identify, or enable the identification 329

of, any individual who was issued or denied a license, for whom a
license was renewed, whose license was suspended or revoked, or
for whom application processing was suspended. The statistics and
the statistical report are public records for the purpose of
section 149.43 of the Revised Code.

(E) As used in this section, "handgun" has the same meaning
as in section 2923.11 of the Revised Code.

Sec. 109.801. (A)(1) Each year, any of the following persons
who are authorized to carry firearms in the course of their
official duties shall complete successfully a firearms
requalification program approved by the executive director of the
Ohio peace officer training commission in accordance with rules
adopted by the attorney general pursuant to section 109.743 of the
Revised Code: any peace officer, sheriff, depy sheriff, marshal,
dcputy _____ marshal, township conotabl, _____
chief of police er b e of an organized police department
of a municipal corporation or township, chief of police e r n e
of a township police district police force, superintendent of the
state highway patrol, state highway patrol trooper
Codc, _____ cnforcemnt agcnt
employcd undcr ocction _____ 5502.14 of the
department

_____ ;any parole or probation
officer who carries a firearm in the course of official duties;

natural resources law cnforcemnt staff officcr, park officcr,
forest officcr, prcoctrc officcr, wildlife officcr, or state

duties; the house of representatives sergeant at arms if the house
of representatives serqeant at arms has arrest authority pursuant 360

or, if the sheriff does not possess and does not have ready access 392
to the use of an electronic fingerprint reading device, by 393
requesting the bureau of criminal identification and investigation 394
to conduct the checks as described in this division. In 395

In order to conduct the criminal records check and the 396
incompetency records check, the sheriff shall obtain the 397
fingerprints of not more than four fingers of the applicant by 398
using an electronic fingerprint reading device for the purpose of 399
conducting the criminal records check and the incompetency records 400
check or, if the sheriff does not possess and does not have ready 401
access to the use of an electronic fingerprint reading device, 402
shall obtain from the applicant a completed standard fingerprint 403
impression sheet prescribed pursuant to division (C) (2) of section 404
109.572 of the Revised Code. The fingerprints so obtained, along 405
with the applicant's social security number, shall be used to 406
conduct the criminal records check and the incompetency records 407
check. If the sheriff does not use an electronic fingerprint 408
reading device to obtain the fingerprints and conduct the records 409
checks, the sheriff shall submit the completed standard 410
fingerprint impression sheet of the applicant, along with the 411
applicant's social security number, to the superintendent of the 412
bureau of criminal identification and investigation and shall 413
request the bureau to conduct the criminal records check and the 414
incompetency records check of the applicant and, if necessary, 415

shall request the superintendent of the bureau to obtain 416
information from the federal bureau of investigation as part of 417
the criminal records check for the applicant. Upon receipt of the 418
request, as part of the criminal records check for the applicant, 419
the superintendent of the bureau of criminal identification and 420
investigation shall request from the federal bureau of 421
investigation any information the federal bureau has with respect 422
to the applicant and shall review or cause to be reviewed, as 423
described in division (B) of section 109.572 of the Revised Code, 424

any information the superintendent receives. If it is not possible 425
to use an electronic fingerprint reading device to conduct an 426
incompetency records check, the sheriff shall submit the completed 427
standard fingerprint impression sheet of the applicant, along with 428
the applicant's social security number, to the superintendent of 429
the bureau of criminal identification and investigation and shall 430
request the bureau to conduct the incompetency records check. The 431
sheriff shall not retain the applicant's fingerprints as part of 432
the application. 433

(2) Except as otherwise provided in this division, if at any 434
time the applicant decides not to continue with the application 435
process, the sheriff immediately shall cease any investigation 436
that is being conducted under division (A)(1) of this section. The 437
sheriff shall not cease that investigation if, at the time of the 438
applicant's decision not to continue with the application process, 439
the sheriff had determined from any of the sheriff's 440
investigations that the applicant then was engaged in activity of 441
a criminal nature. 442

(B) If a criminal records check and an incompetency records 443
check conducted under division (A) of this section do not indicate 444
that the applicant fails to meet the criteria described in 445
division (D)(1) of section 2923.125 of the Revised Code, except as 446
otherwise provided in this division, the sheriff shall destroy or 447
cause a designated employee to destroy all records other than the 448
application for a license to carry a concealed handgun, the 449
application to renew a license to carry a concealed handgun, or 450
the affidavit submitted regarding an application for a temporary 451
emergency license to carry a concealed handgun that were made in 452
connection with the criminal records check and incompetency 453
records check within twenty days after conducting the criminal 454
records check and incompetency records check. If an applicant 455
appeals a denial of an application as described in division (D) 456

(2) of section 2923.125 of the Revised Code or challenges the
results of a criminal records check pursuant to section 2923.127 of
the Revised Code, records of fingerprints of the applicant shall
not be destroyed during the pendency of the appeal or the
challenge and review. When an applicant appeals a denial as
described in that division, the twenty-day period described in
this division commences regarding the fingerprints upon the
determination of the appeal. When required as a result of a
challenge and review performed pursuant to section 2923.127 of the
Revised Code, the source the sheriff used in conducting the
criminal records check shall destroy or the chief operating
officer of the source shall cause an employee of the source
designated by the chief to destroy all records other than the
application for a license to carry a concealed handgun, the
application to renew a license to carry a concealed handgun, or
the affidavit submitted regarding an application for a temporary
emergency license to carry a concealed handgun that were made in
connection with the criminal records check within twenty days
after completion of that challenge and review.

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(C) If division (B) of this section applies to a particular
criminal records check or incompetency records check, no sheriff,
employee of a sheriff designated by the sheriff to destroy records
under that division, source the sheriff used in conducting the
criminal records check or incompetency records check, or employee
of the source designated by the chief operating officer of the
source to destroy records under that division shall fail to
destroy or cause to be destroyed within the applicable twenty-day
period specified in that division all records other than the
application for a license to carry a concealed handgun, the
application to renew a license to carry a concealed handgun, or
the affidavit submitted regarding an application for a temporary
emergency license to carry a concealed handgun made in connection

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with the particular criminal records check or incompetency records check. 489
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(D) Whoever violates division (C) of this section is guilty of failure to destroy records, a misdemeanor of the second degree. 491
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(E) As used in this section, "handgun" has the same meaning as in section 2923.11 of the Revised Code. 493
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Sec. 311.42. (A) Each county shall establish in the county treasury a sheriff's concealed handgun license issuance expense fund. The sheriff of that county shall deposit into that fund all fees paid by applicants for the issuance or renewal of a license or duplicate license to carry a concealed handgun under section 2923.125 of the Revised Code 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. The county shall distribute the fees deposited into the fund in accordance with the specifications prescribed by the Ohio peace officer training commission under division (C) of section 109.731 of the Revised Code. 495
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(B) The sheriff, with the approval of the board of county commissioners, may expend any county portion of the fees deposited into the sheriff's concealed handgun license issuance expense fund for any costs incurred by the sheriff in connection with performing any administrative functions related to the issuance of licenses or temporary emergency licenses to carry a concealed handgun under section 2923.125 or 2923.1213 of the Revised Code, including, but not limited to, personnel expenses, the costs of mailing notices of the upcoming expiration date of a license to carry a concealed handgun as required pursuant to division (J) of section 2923.125 of the Revised Code, and the costs of any handgun safety education program that the sheriff chooses to fund. 507
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Sec. 1547.69. (A) As used in this sections 519

(1) "Firearm, "firearm" and "handgun" have the same meanings 520
as in section 2923.11 of the Revised Code. 521

same meaning as in section 2923.16 of 522
the Revised Code. 523

(B) No person shall knowingly discharge a firearm while in or 524
on a vessel. 525

(C) No person shall knowingly transport or have a loaded 526
firearm in a vessel in a manner that the firearm is accessible to 527
the operator or any passenger. 528

(D) No person shall knowingly transport or have a firearm in 529
a vessel unless it is unloaded and is carried in one of the 530
following ways: 531

(1) In a closed package, box, or case; 532

(2) In plain sight with the action opened or the weapon 533
stripped, or, if the firearm is of a type on which the action will 534
not stay open or that cannot easily be stripped, in plain sight. 535

(E)(1)(a) It is an affirmative defense to a charge under 536
division (B) of this section that the actor discharged the firearm 537
in self-defense. 538

(b) The affirmative defenses authorized in divisions (D)(1) 539
and (2) of section 2923.12 of the Revised Code are affirmative 540
defenses to a charge under division (C) or (D) of this section 541
that involves a firearm other than a handgun. It is an affirmative 542
defense to a charge under division (C) or (D) of this section of 543
transporting or having a firearm of any type, including a handgun, 544
in a vessel that the actor transported or had the firearm in the 545
vessel for any lawful purpose and while the vessel was on the 546
actor's own property, provided that this affirmative defense is 547

not available unless the actor, prior to arriving at the vessel on 548
the actor's own property, did not transport or possess the firearm 549
in the vessel or in a motor vehicle in a manner prohibited by this 550
section or division (B) or (C) of section 2923.16 of the Revised 551
Code while the vessel was being operated on a waterway that was 552
not on the actor's own property or while the motor vehicle was 553
being operated on a street, highway, or other public or private 554
property used by the public for vehicular traffic. 555

(2) No person who is charged with a violation of division (C) 556
or (D) of this section shall be required to obtain a license or 557
temporary emergency license to carry a concealed handgun under 558
section 2923.125 or 2923.1213 of the Revised Code as a condition 559
for the dismissal of the charge. 560

(F)(1) Divisions (B), (C), and (D) of this section do not 561
apply to the possession or discharge of a United States coast 562
guard approved signaling device required to be carried aboard a 563
vessel under section 1547.251 of the Revised Code when the 564
signaling device is possessed or used for the purpose of giving a 565
visual distress signal. No person shall knowingly transport or 566
possess any signaling device of that nature in or on a vessel in a 567
loaded condition at any time other than immediately prior to the 568
discharge of the signaling device for the purpose of giving a 569
visual distress signal. 570

(2) For purposes of divisions (C) and (D) of this section, 571
all of the following apply: 572

(a) A firearm is not "loaded" unless there is live ammunition 573
actually in the firearm. If there is no live ammunition actually 574
in the firearm, the presence near the firearm of ammunition for 575
the firearm does not make the firearm "loaded" for purposes of 576
those divisions, even if the ammunition is accessible or ready at 577
hand to the operator or any passenger in the vessel. 578

(b) With respect to a firearm employing a percussion cap, flintlock, or other obsolete ignition system, in addition to the circumstances described in division (F)(2)(a) of this section, the firearm is "unloaded" when the weapon is uncapped or when the priming charge is removed from the pan.

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

(H) This section does not apply to officers, agents, or employees of this or any other state or of the United States, or to law enforcement officers, when authorized to carry or have loaded or accessible firearms in a vessel and acting within the scope of their duties, and this. This section does not apply to any person who is subject to and in compliance with the requirements of section 109.801 of the Revised Code, unless the appointing authority of the person has expressly specified that the exemption provided under this provision does not apply to the person. This section does not apply to persons legally engaged in hunting. Divisions (C) and (D) of this section do not apply to a person who transports or possesses a handgun in a vessel and who, at the time of that transportation or possession, is carrying a valid license or temporary emergency license to carry a concealed handgun issued to the person under section 2923.125 or 2923.1213 of the Revised Code or a license to carry a concealed handgun that was issued by another state with which the attorney general has entered into a reciprocity agreement under section 109.69 of the Revised Code, unless the person knowingly is in a place on the vessel described in division (B) of section 2923.126 of the Revised Code.

(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 611
violation of this section or arrest the person for any offense, 612
the person is not otherwise prohibited by law from possessing the 613
firearm, and the firearm is not-contraband, the officer shall 614
return the firearm to the person at the termination of the stop. 615

Sec. 2921.13. (A) No person shall knowingly make a false 616
statement, or knowingly swear or affirm the truth of a false 617
statement previously made, when any of the following applies: 618

(1) The statement is made in any official proceeding. 619

(2) The statement is made with purpose to incriminate 620
another. 621

(3) The statement is made with purpose to mislead a public 622
official in performing the public official's official function. 623

(4) The statement is made with purpose to secure the payment 624
of unemployment compensation; Ohio works first; prevention, 625
retention, and contingency benefits and services; disability 626
financial assistance; retirement benefits; economic development 627
assistance, as defined in section 9.66 of the Revised Code; or 628
other benefits administered by a governmental agency or paid out 629
of a public treasury. 630

(5) The statement is made with purpose to secure the issuance 631
by a governmental agency of a license, permit, authorization, 632
certificate, registration, release, or provider agreement. 633

(6) The statement is sworn or affirmed before a notary public 634
or another person empowered to administer oaths. 635

(7) The statement is in writing on or in connection with a 636
report or return that is required or authorized by law. 637

(8) The statement is in writing and is made with purpose to 638
induce another to extend credit to or employ the offender, to 639

confer any degree, diploma, certificate of attainment, award of
excellence, or honor on the offender, or to extend to or bestow
upon the offender any other valuable benefit or distinction, when
the person to whom the statement is directed relies upon it to
that person's detriment.

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

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

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

(12) The statement is made in connection with the purchase of
a firearm, as defined in section 2923.11 of the Revised Code, and
in conjunction with the furnishing to the seller of the firearm of
a fictitious or altered driver's or commercial driver's license or
permit, a fictitious or altered identification card, or any other
document that contains false information about the purchaser's
identity.

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

(14) The statement is made with purpose to obtain an Ohio's
best Rx program enrollment card under section 5110.09 of the
Revised Code or a payment from the department of job and family
services under section 5110.17 of the Revised Code.

(15) The statement is made in an application filed with a

county sheriff pursuant to section 2923.125 of the Revised Code in 670
order to obtain or renew a license to carry a concealed handgun or 671
is made in an affidavit submitted to a county sheriff to obtain a 672
temporary emergency license to carry a concealed handgun under 673
section 2923.1213 of the Revised Code. 674

(16) The statement is required under section 5743.72 of the 675
Revised Code in connection with the person's purchase of 676
cigarettes or tobacco products in a delivery sale. 677

(B) No person, in connection with the purchase of a firearm, 678
as defined in section 2923.11 of the Revised Code, shall knowingly 679
furnish to the seller of the firearm a fictitious or altered 680
driver's or commercial driver's license or permit, a fictitious or 681
altered identification card, or any other document that contains 682
false information about the purchaser's identity. 683

(C) No person, in an attempt to obtain a license to carry a 684
concealed handgun under section 2923.125 of the Revised Code, 685
shall knowingly present to a sheriff a fictitious or altered 686
document that purports to be certification of the person's 687
competence in handling a handgun as described in division (B)(3) 688
of section 2923.125 of the Revised Code. 689

(D)(1) It is no defense to a charge under division (A)(6) of 690
this section that the oath or affirmation was administered or 691
taken in an irregular manner. 692

(2) If a person is charged with a violation of division 693
(A)(15) of this section based upon the person's failure to 694
indicate on the application or affidavit in question that the 695
person has been convicted of or pleaded guilty to an offense 696
listed on the application or affidavit or has been adjudicated a 697
delinquent child for committing an act that would be an offense 698
listed on the application or affidavit if committed by an adult, 699
it is an affirmative defense to the charge that all of the 700

following apply:

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(a) The person has been convicted of, pleaded guilty to, or adjudicated a delinquent child for committing the offense or act in question, but a court has ordered the sealing or expungement of the records of that conviction, guilty plea, or delinquent child adjudication pursuant to section 2151.358 or sections 2953.31 to 2953.36 of the Revised Code.

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(b) The person believed that, because of the ordered sealing or expungement described in division (D)(2)(a) of this section, the person was not required to indicate on the application or affidavit that the person has been convicted of, pleaded guilty to, or adjudicated a delinquent child for committing the offense or act in question.

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

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(F)(1) Whoever violates division (A)(1), (2), (3), (4), (5), (6), (7), (8), (10), (11), (13), (14), or (16) of this section is guilty of falsification, a misdemeanor of the first degree.

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(2) Whoever violates division (A)(9) of this section is guilty of falsification in a theft offense. Except as otherwise provided in this division, falsification in a theft offense is a misdemeanor of the first degree. If the value of the property or services stolen is five hundred dollars or more and is less than five thousand dollars, falsification in a theft offense is a felony of the fifth degree. If the value of the property or services stolen is five thousand dollars or more and is less than one hundred thousand dollars, falsification in a theft offense is a felony of the fourth degree. If the value of the property or

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services stolen is one hundred thousand dollars or more, 732
falsification in a theft offense is a felony of the third degree. 733

(3) Whoever violates division (A)(12) or (B) of this section 734
is guilty of falsification to purchase a firearm, a felony of the 735
fifth degree. 736

(4) Whoever violates division (A)(15) or (C) of this section 737
is guilty of falsification to obtain a concealed handgun license, 738
a felony of the fourth degree. 739

(G) A person who violates this section is liable in a civil 740
action to any person harmed by the violation for injury, death, or 741
loss to person or property incurred as a result of the commission 742
of the offense and for reasonable attorney's fees, court costs, 743
and other expenses incurred as a result of prosecuting the civil 744
action commenced under this division. A civil action under this 745
division is not the exclusive remedy of a person who incurs 746
injury, death, or loss to person or property as a result of a 747
violation of this section. 748

Sec. 2923.12. (A) No person shall knowingly carry or have, 749
concealed on the person's person or concealed ready at hand, any 750
of the following: 751

(1) A deadly weapon other than a handgun; 752

(2) A handgun other than a dangerous ordnance; 753

(3) A dangerous ordnance. 754

(B) No person who has been issued a license or temporary 755
emergency license to carry a concealed handgun under section 756
2923.125 or 2923.1213 of the Revised Code or a license to carry a 757
concealed **hen** handgun that was issued by another state with 758
which the attorney general has entered into a reciprocity 759
agreement under section 109.69 of the Revised Code, who is stopped 760
for a law enforcement purpose, and who is carrying a concealed 761

handgun shall fail to promptly inform any law enforcement officer 762
who approaches the person after the person has been stopped that 763
the person has been issued a license or temporary emergency 764
license to carry a concealed handgun and that the person then is 765
carrying a concealed handgun. 766

(C)(1) This section does not apply to officers, agents, or 767
employees of this or any other state or the United States, or to 768
law enforcement officers, authorized to carry concealed weapons or 769
dangerous ordnance and acting within the scope of their duties. 770
This section does not apply to any person who is subject to and in 771
compliance with the requirements of section 109.801 of the Revised 772
Code unless the authority of the person has expressly 773
specified that the exemption provided under this provision does 774
not apply to the person. 775

(2) Division (A)(2) of this section does not apply to any of 776
the following: 777

(a) An officer, agent, or employee of this or any other state 778
or the United States, or a law enforcement officer, who is 779
authorized to carry a handgun and acting within the scope of the 780
officer's, agent's, or employee's duties; 781

(b) A person who, at the time of the alleged carrying or 782
possession of a handgun, is carrying a valid license or temporary 783
emergency license to carry a concealed handgun issued to the 784
person under section 2923.125 or 2923.1213 of the Revised Code or 785
a license to carry a concealed handgun that was issued by another 786
state with which the attorney general has entered into a 787
reciprocity agreement under section 109.69 of the Revised Code, 788
unless the person knowingly is in a place described in division 789
(B) of section 2923.126 of the Revised Code. 790

(D) It is an affirmative defense to a charge under division 791
(A)(1) of this section of carrying or having control of a weapon 792

other than a handgun and other than a dangerous ordnance that the 793
actor was not otherwise prohibited by law from having the weapon 794
and that any of the following applies: 795

(1) The weapon was carried or kept ready at hand by the actor 796
for defensive purposes while the actor was engaged in or was going 797
to or from the actor's lawful business or occupation, which 798
business or occupation was of a character or was necessarily 799
carried on in a manner or at a time or place as to render the 800
actor particularly susceptible to criminal attack, such as would 801
justify a prudent person in going armed. 802

(2) The weapon was carried or kept ready at hand by the actor 803
for defensive purposes while the actor was engaged in a lawful 804
activity and had reasonable cause to fear a criminal attack upon 805
the actor, a member of the actor's family, or the actor's home, 806
such as would justify a prudent person in going armed. 807

(3) The weapon was carried or kept ready at hand by the actor 808
for any lawful purpose and while in the actor's own home. 809

(4) The weapon was being transported in a motor vehicle for 810
any lawful purpose, was not on the actor's person, and, if the 811
weapon was a firearm, was carried in compliance with the 812
applicable requirements of division (C) of section 2923.16 of the 813
Revised Code. 814

(E) It is an affirmative defense to a charge under division 815
(A) of this section of carrying or having control of a handgun 816
other than a dangerous ordnance that the actor was not otherwise 817
prohibited by law from having the handgun and that the handgun was 818
carried or kept ready at hand by the actor for any lawful purpose 819
and while in the actor's own home, provided that this affirmative 820
defense is not available unless the actor, prior to arriving at 821
the actor's own home, did not transport or possess the handgun in 822
a motor vehicle in a manner prohibited by division (B) or (C) of 823

section 2923.16 of the Revised Code while the motor vehicle was 824
being operated on a street, highway, or other public or private 825
property used by the public for vehicular traffic. 826

(F) No person who is charged with a violation of this section 827
shall be required to obtain a license or temporary emergency 828
license to carry a concealed handgun under section 2923.125 or 829
2923.1213 of the Revised Code as a condition for the dismissal of 830
the charge. 831

(G)(1) Whoever violates this section is guilty of carrying 832
concealed weapons. Except as otherwise provided in this division 833
or division (G)(2) of this section, carrying concealed weapons in 834
violation of division (A) of this section is a misdemeanor of the 835
first degree. Except as otherwise provided in this division or 836
division (G)(2) of this section, if the offender previously has 837
been convicted of a violation of this section or of any offense of 838
violence, if the weapon involved is a firearm that is either 839
loaded or for which the of fonder has ammunition ready at hand, or 840
if the weapon involved is dangerous ordnance, carrying concealed 841
weapons in violation of division (A) of this section is a felony 842
of the fourth degree. Except as otherwise provided in division 843
(G)(2) of this section, if the weapon involved is a firearm and 844
the violation of this section is committed at premises for which a 845

D permit has been issued under Chapter 4303. of the Revised Code 846
or if the offense is committed aboard an aircraft, or with purpose 847
to carry a concealed weapon aboard an aircraft, regardless of the 848
weapon involved, carrying concealed weapons in violation of 849
division (A) of this section is a felony of the third degree. 850

(2) If a person being arrested for a violation of division 851
(A)(2) of this section promptly produces a valid license or 852
temporary emergency license to carry a concealed handgun issued 853
under section 2923.125 or 2923.1213 of the Revised Code or a 854
license to carry a concealed handgun that was issued by another 855

state with which the attorney general has entered into a
reciprocity agreement under section 109.69 of the Revised Code,
and if at the time of the violation the person was not knowingly
in a place described in division (B) of section 2923.126 of the
Revised Code, the officer shall not arrest the person for a
violation of that division. If the person is not able to promptly
produce any of those types of license and if the person is not in
a place described in that section, the officer may arrest the
person for a violation of that division, and the offender shall be
punished as follows:

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

(i) Within ten days after the arrest, the offender presents a
license or temporary emergency license to carry a concealed
handgun issued under section 2923.125 or 2923.1213 of the Revised
Code or a license to carry a concealed handgun that was issued by
another state with which the attorney general has entered into a
reciprocity agreement under section 109.69 of the Revised Code,
which license was valid at the time of the arrest to the law
enforcement agency that employs the arresting officer.

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

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

(i) The offender previously had been issued a license to
carry a concealed handgun under section 2923.125 of the Revised
Code or a license to carry a concealed handgun that was issued by
another state with which the attorney general has entered into a
reciprocity agreement under section 109.69 of the Revised Code and
that was similar in nature to a license issued under section

2923.125 of the Revised Code, and that license expired within the 887
two years immediately preceding the arrest. 888

(ii) Within forty-five days after the arrest, the offender 889
presents any type of license identified in division (G)(2)(a)(i) 890
of this section to the law enforcement agency that employed the 891
arresting officer, and the offender waives in writing the 892
offender's right to a speedy trial on the charge of the violation 893
that is provided in section 2945.71 of the Revised Code. 894

(iii) At 895
the time of the commission of the offense, the 896
offender was not knowingly in a place described in division (B) of 897
section 2923.126 of the Revised Code.

(c) If neither division (G) (2) (a) nor (b) of this section 898
applies, the offender shall be punished under division (G)(1) of 899
this section. 900

(3) Carrying concealed weapons in violation of division (B) 901
of this section is a misdemeanor of the fourth degree. 902

(H) If a law enforcement officer stops a person to question 903
the person regarding a possible violation of this section, for a 904
traffic stop, or for any other law enforcement purpose, if the 905
person surrenders a firearm to the officer, either voluntarily or 906
pursuant to a request or demand of the officer, and if the officer 907
does not charge the person with a violation of this section or 908
arrest the person for any offense, the person is not otherwise 909
prohibited by law from possessing the firearm, and the firearm is 910
not contraband, the officer shall return the firearm to the person 911
at the termination of the stop. 912

(I) For purposes of division (G)(1) of this section, all of 913
the following apply: 914

(1) A firearm is not "loaded" unless there is live ammunition 915
actually in the firearm. If there is no live ammunition actually 916

in the firearm, the presence near the firearm of ammunition for 917
the firearm does not make the firearm "loaded" for purposes of 918
that division, even if the ammunition is accessible or ready at 919
hand to the operator or any passenger in the vessel. 920

(2) With respect to a firearm employing a percussion cap, 921
flintlock, or other obsolete ignition system, in addition to the 922
circumstances described in division (I)(1) of this section, the 923
firearm is "unloaded" when the weapon is uncapped or when the 924
priming charge is removed from the pan. 925

Sec. 2923.121. (A) No person shall possess a firearm in any 926
room in which liquor is being dispensed in premises for which a D 927
permit has been issued under Chapter 4303. of the Revised Code or 928
in an open air arena for which a permit of that nature has been 929
issued. 930

(B)(1) This section does not apply to officers, agents, or 931
employees of this or any other state or the United States, or to 932
law enforcement officers, authorized to carry firearms, and acting 933
within the scope of their duties. This section does not apply to 934
any person who is subject to and in compliance with the 935
requirements of section 109.801 of the Revised Code, unless the 936
appointing authority of the person has expressly specified that 937
the exemption provided under this provision does not apply to the 938
person. 939

(2) This section does not apply to any room used for the 940
accommodation of guests of a hotel, as defined in section 4301.01 941
of the Revised Code. 942

(3) This section does not prohibit any person who is a member 943
of a veteran's organization, as defined in section 2915.01 of the 944
Revised Code, from possessing a rifle in any room in any premises 945
owned, leased, or otherwise under the control of the veteran's 946

organization, if the rifle is not loaded with live ammunition and 947
if the person otherwise is not prohibited by law from having the 948
rifle. 949

(4) This section does not apply to any person possessing or 950
displaying firearms in any room used to exhibit unloaded firearms 951
for sale or trade in a soldiers' memorial established pursuant to 952
Chapter 345. of the Revised Code, in a convention center, or in 953
any other public meeting place, if the person is an exhibitor, 954
trader, purchaser, or seller of firearms and is not otherwise 955
prohibited by law from possessing, trading, purchasing, or selling 956
the firearms. 957

(C) It is an affirmative defense to a charge under this 958
section of illegal possession of a firearm in liquor permit 959
premises that involves the possession of a firearm other than a 960
handgun, that the actor was not otherwise prohibited by law from 961
having the firearm, and that any of the following apply: 962

(1) The firearm was carried or kept ready at hand by the 963
actor for defensive purposes, while the actor was engaged in or 964
was going to or from the actor's lawful business or occupation, 965
which business or occupation was of such character or was 966
necessarily carried on in such manner or at such a time or place 967
as to render the actor particularly susceptible to criminal 968
attack, such as would justify a prudent person in going armed. 969

(2) The firearm was carried or kept ready at hand by the 970
actor for defensive purposes, while the actor was engaged in a 971
lawful activity, and had reasonable cause to fear a criminal 972
attack upon the actor or a member of the actor's family, or upon 973
the actor's home, such as would justify a prudent person in going 974
armed. 975

(D) No person who is charged with a violation of this section 976
shall be required to obtain a license or temporary emergency 977

Current Residence: 997
Street City State County Zip 998
..... 999

Mailing Address (If Different From Above): 1000
Street City State Zip 1001
..... 1002

Date of Birth Place of Birth Sex Race Residence Telephone 1003
.../.../..... (....) 1004

SECTION III. THE FOLLOWING QUESTIONS ARE TO BE ANSWERED YES OR NO 1005

(1)(a) Are you a citizen of the United States? YES NO 1006

(b) Have you been a resident of Ohio for at YES NO 1007

least forty-five days and have you been a resident for thirty days of the county with whose sheriff you are filing this application or of a county adjacent to that county?

(2) Are you at least twenty-one years of age? YES NO 1008

(3) Are you a fugitive from justice? YES NO 1009

(4) Are you under indictment for a felony, YES NO 1010

have you ever been convicted of or pleaded guilty to a felony, or have you ever been adjudicated a delinquent child for committing an act that would be a felony if committed by an adult?

(6) Are you under indictment for or otherwise YES NO 1011

charged with, or have you ever been convicted of or pleaded guilty to, an offense under Chapter 2925., 3719., or 4729. of the Ohio Revised Code that involves the illegal possession, use, sale, administration, or distribution of or trafficking in a drug of abuse, or have you ever been adjudicated a

delinquent child for committing an act that would be an offense of that nature if committed by an adult?

(6) Are you under indictment for or otherwise YES NO 1012
charged with, or have you been convicted of or pleaded guilty to within three years of the date of this application, a misdemeanor that is an offense of violence or the offense of possessing a revoked or suspended concealed handgun license, or have you been adjudicated a delinquent child within three years of the date of this application for committing an act that would be a misdemeanor of that nature if committed by an adult?

(7) Are you under indictment for or otherwise YES NO 1013
charged with, or have you been convicted of or pleaded guilty to within ten years of the date of this application, resisting arrest, or have you been adjudicated a delinquent child for committing, within ten years of the date of this application an act that if committed by an adult would be the offense of resisting arrest?

(8)(a) Are you under indictment for or otherwise YES NO 1014
otherwise charged with assault or negligent assault?

(b) Have you been convicted of, pleaded guilty YES NO 1015
to, or adjudicated a delinquent child two or more times for committing assault or negligent assault within five years of the date of this application?

(c) Have you ever been convicted of, pleaded YES NO 1016
guilty to, or adjudicated a delinquent child

for assaulting a peace officer?

(9)(a) Have you ever been adjudicated as a mental defective? YES NO 1017

(b) Have you ever been committed to a mental institution? YES NO 1018

(10) Are you currently subject to a civil protection order, a temporary protection order, or a protection order issued by a court of another state? YES NO 1019

SECTION IV. YOU MUST COMPLETE THIS SECTION OF THE APPLICATION BY PROVIDING, TO THE BEST OF YOUR KNOWLEDGE, THE ADDRESS OF EACH PLACE OF RESIDENCE AT WHICH YOU RESIDED AT ANY TIME AFTER YOU ATTAINED EIGHTEEN YEARS OF AGE AND UNTIL YOU COMMENCED YOUR RESIDENCE AT THE LOCATION IDENTIFIED IN SECTION II OF THIS FORM, AND THE DATES OF RESIDENCE AT EACH OF THOSE ADDRESSES. IF YOU NEED MORE SPACE, COMPLETE AN ADDITIONAL SHEET WITH THE relevant RELEVANT INFORMATION, ATTACH IT TO THE APPLICATION, AND NOTE THE ATTACHMENT AT THE END OF THIS SECTION. 1020-1028

Residence 1: 1029
Street City State County Zip 1030
. 1031
Dates of residence at this address 1032

Residence 2: 1033
Street City State County Zip 1034
. 1035
Dates of residence at this address 1036

Residence 3: 1037
Street City State County Zip 1038
. 1039
Dates of residence at this address 1040

Residence 4: 1041

herein I am subject to penalties prescribed by law. I	1073
authorize the sheriff or the sheriff's designee to inspect	1074
only those records or documents relevant to information	1075
required for this application.	1076
(4) The information contained in this application and all attached	1077
documents are true and correct to the best of my knowledge.	1078
.....	1079
Signature of Applicant"	1080
Sec. 2923.1213. (A) As used in this section:	1081
(1) "Evidence of imminent danger" means any of the following:	1082
(a) A statement sworn by the person seeking to carry a	1083
concealed handgun that is made under threat of perjury and that	1084
states that the person has reasonable cause to fear a criminal	1085
attack upon the person or a member of the person's family, such as	1086
would justify a prudent person in going armed;	1087
(b) A written document prepared by a governmental entity or	1088
public official describing the facts that give the person seeking	1089
to carry a concealed handgun reasonable cause to fear a criminal	1090
attack upon the person or a member of the person's family, such as	1091
would justify a prudent person in going armed. Written documents	1092
of this nature include, but are not limited to, any temporary	1093
protection order, civil protection order, protection order issued	1094
by another state, or other court order, any court report, and any	1095
report filed with or made by a law enforcement agency or	1096
prosecutor.	1097
(2) "Prosecutor" has the same meaning as in section 2935.01	1098
of the Revised Code.	1099
(B)(1) A person seeking a temporary emergency license to	1100
carry a concealed handgun shall submit to the sheriff of the	1101
county in which the person resides all of the following:	1102

(a) Evidence of imminent danger to the person or a member of 1103
the person's family; 1104

(b) A sworn affidavit that contains all of the information 1105
required to be on the license and attesting that the person is a 1106
citizen of the United States; is at least twenty-one years of age; 1107
is not a fugitive from justice; is not under indictment for or 1108
otherwise charged with an offense identified in division (D) (1)(d) 1109
of section 2923.125 of the Revised Code; has not been convicted of 1110
or pleaded guilty to an offense, and has not been adjudicated a 1111
delinquent child for committing an act, identified in division 1112
(D)(1)(e) of that section; within three years of the date of the 1113
submission, has not been convicted of or pleaded guilty to an 1114
offense, and has not been adjudicated a delinquent child for 1115
committing an act, identified in division (D)(1)(f) of that 1116
section; within five years of the date of the submission, has not 1117
been convicted of, pleaded guilty, or adjudicated a delinquent 1118
child for committing two or more violations identified in division 1119
(D)(1)(g) of that section; within ten years of the date of the 1120
submission, has not been convicted of, pleaded guilty, or 1121
adjudicated a delinquent child for committing a violation 1122
identified in division (D)(1)(h) of that section; has not been 1123
adjudicated as a mental defective, has not been committed to any 1124
mental institution, is not under adjudication of mental 1125
incompetence, has not been found by a court to be a mentally ill 1126
person subject to hospitalization by court order, and is not an 1127
involuntary patient other than one who is a patient only for 1128
purposes of observation, as described in division (D)(1)(i) of 1129
that section; and is not currently subject to a civil protection 1130
order, a temporary protection order, or a protection order issued 1131
by a court of another state, as described in division (D)(1)(j) of 1132
that section. 1133

(c) A temporary emergency license fee established by the Ohio 1134

peace officer training commission for an amount that does not 1135
exceed the actual cost of conducting the criminal background check 1136
or thirty dollars; 1137

(d) A set of fingerprints of the applicant provided as 1138
described in section 311.41 of the Revised Code through use of an 1139
electronic fingerprint reading device or, if the sheriff to whom 1140
the application is submitted does not possess and does not have 1141
ready access to the use of an electronic fingerprint reading 1142
device, on a standard impression sheet prescribed pursuant to 1143
division (C)(2) of section 109.572 of the Revised Code. If the 1144
fingerprints are provided on a standard impression sheet, the 1145
person also shall provide the person's social security number to 1146
the sheriff. 1147

(2) A sheriff shall accept the evidence of imminent danger,
the sworn affidavit, the fee, and the set of fingerprints required 1148
under division (B)(1) of this section at the times and in the 1149
manners described in division (I) of this section. Upon receipt of 1150
the evidence of imminent danger, the sworn affidavit, the fee, and 1151
the set of fingerprints required under division (B)(1) of this 1152
section, the sheriff, in the manner specified in section 311.41 of 1153
the Revised Code, immediately shall conduct or cause to be 1154
conducted the criminal records check and the incompetency records 1155
check described in section 311.41 of the Revised Code. Immediately 1156
upon receipt of the results of the records checks, the sheriff 1157
shall review the information and shall determine whether the 1158
criteria set forth in divisions (D)(1)(a) to (j) of section 1159
2923.125 of the Revised Code apply regarding the person. In 1160
determining for purposes of this division whether the criteria set 1161
forth in divisions (D)(1)(e), (f), and (h) of section 2923.125 of 1163
the Revised Code apply, the sheriff has the authority specified in 1164
division (D)(3) of that section to consider, in the sheriff's 1165
discretion, a conviction, guilty plea, or delinquent child 1166

adjudication identified in division (D)(1)(e), (f), or (h) of 1167
section 2923.125 of the Revised Code that has been sealed or 1168
expunged as not having occurred and to treat the applicant as if 1169
the conviction or guilty plea never had occurred. If the sheriff 1170
determines that all of criteria set forth in divisions (D)(1)(a) 1171
to (j) of section 2923.125 of the Revised Code apply regarding the 1172
person, the sheriff shall immediately make available through the 1173
law enforcement automated data system all information that will be 1174
contained on the temporary emergency license for the person if one 1175
is issued, and the superintendent of the state highway patrol 1176
shall ensure that the system is so configured as to permit the 1177
transmission through the system of that information. Upon making 1178
that information available through the law enforcement automated 1179
data system, the sheriff shall immediately issue to the person a 1180
temporary emergency license to carry a concealed handgun. 1181

If the sheriff denies the issuance of a temporary emergency 1182
license to the person, the sheriff shall specify the grounds for 1183
the denial in a written notice to the person. The person may 1184
appeal the denial, or challenge criminal records check results 1185
that were the basis of the denial if applicable, in the same 1186
manners specified in division (D) (2) of section 2923.125 and in 1187
section 2923.127 of the Revised Code, regarding the denial of an 1188
application for a license to carry a concealed handgun under that 1189
section. If a person who has applied for a temporary emergency 1190
license has been convicted of or pleaded guilty to an offense 1191
identified in division (D) (1) (e), _____ (f), or (h) of section 1192
2923.125 of the Revised Code or has been adjudicated a delinquent 1193
child for committing an act or violation identified in any of 1194
those divisions, if the sheriff is authorized pursuant to this 1195
division 1196
and division (D)(3) of section 2923.125 of the Revised Code to 1197
consider the conviction, guilty plea, or adjudication as not 1198
having occurred and to treat the applicant as if the conviction, 1199

been sealed or expunged, and if the sheriff does not consider the conviction, guilty plea, or adjudication as not having occurred and does not treat the applicant as if the conviction, guilty plea, or adjudication never had occurred, the sheriff's decision to not so consider the conviction, guilty plea, or adjudication and to not so treat the applicant is appealable as described in this division.

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

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, other than the license renewal procedures set forth in that section.

(D) A sheriff who issues a temporary emergency license to

carry a concealed handgun under this section shall not require a 1232
person seeking to carry a concealed handgun in accordance with 1233
this section to submit a competency certificate as a prerequisite 1234
for issuing the license and shall comply with division (H) of 1235
section 2923.125 of the Revised Code in regards to the license. 1236
The sheriff shall suspend or revoke the license in accordance with 1237
section 2923.128 of the Revised Code. In addition to the 1238
suspension or revocation procedures set forth in section 2923.128 1239
of the Revised Code, the sheriff may revoke the license upon 1240
receiving information, verifiable by public documents, that the 1241
person is not eligible to possess a firearm under either the laws 1242
of this state or of the United States or that the person committed 1243
perjury in obtaining the license; if the sheriff revokes a license 1244
under this additional authority, the sheriff shall notify the 1245
person, by certified mail, return receipt requested, at the 1246
person's last known residence address that the license has been 1247
revoked and that the person is required to surrender the license 1248
at the sheriff's office within ten days of the date on which the 1249
notice was mailed. Division (H) of section 2923.125 of the Revised 1250
Code applies regarding any suspension or revocation of a temporary 1251
emergency license to carry a concealed handgun. 1252

(E) A sheriff who issues a temporary emergency license to 1253
carry a concealed handgun under this section shall retain, for the 1254
entire period during which the temporary emergency license is in 1255
effect, the evidence of imminent danger that the person submitted 1256
to the sheriff and that was the basis for the license, or a copy 1257
of that evidence, as appropriate. 1258

(F) If a temporary emergency license to carry a concealed 1259
handgun issued under this section is lost or is destroyed, the 1260
licensee may obtain from the sheriff who issued that license a 1261
duplicate license upon the payment of a fee of fifteen dollars and 1262
the submission of an affidavit attesting to the loss or 1263

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) 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.

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

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

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

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

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

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

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

(D)(1) This section does not apply to officers, agents, or employees of this or any other state or the United States, or to law enforcement officers, authorized to carry deadly weapons or dangerous ordnance and acting within the scope of their duties, to any security officer employed by a board of education or governing body of a school during the time that the security officer is on duty pursuant to that contract of employment, or to any other person who has written authorization from the board of education or governing body of a school to convey deadly weapons or dangerous ordnance into a school safety zone or to possess a deadly weapon or dangerous ordnance in a school safety zone and who conveys or possesses the deadly weapon or dangerous ordnance in accordance with that authorization. This section does not apply to any person who is subject to and in compliance with the requirements of section 109.801 of the Revised Code, unless the appointing authority of the person has expressly specified that the exemption provided under this provision does not apply to the person.

(2) Division (C) of this section does not apply to premises upon which home schooling is conducted. Division (C) of this section also does not apply to a school administrator, teacher, or employee who possesses an object that is indistinguishable from a firearm for legitimate school purposes during the course of employment, a student who uses an object that is indistinguishable

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from a firearm under the direction of a school administrator,
teacher, or employee, or any other person who with the express
prior approval of a school administrator possesses an object that
is indistinguishable from a firearm for a legitimate purpose,
including the use of the object in a ceremonial activity, a play,
reenactment, or other dramatic presentation, or a ROTC activity or
another similar use of the object.
(3) This section does not apply to a person who conveys or
attempts to convey a handgun into, or possesses a handgun in, a
school safety zone if, at the time of that conveyance, attempted
conveyance, or possession of the handgun, all of the following
apply:
(a) The person does not enter into a school building or onto
school premises and is not at a school activity.
(b) The person is carrying a valid license or temporary
emergency license to carry a concealed handgun issued to the
person under section 2923.125 or 2923.1213 of the Revised Code or
a license to carry a concealed handgun that was issued by another
state with which the attorney general has entered into a
reciprocity agreement under section 109.69 of the Revised Code.
(c) The person is in the school safety zone in accordance
with 18 U.S.C. 922(q) (2) (B) .
(d) The person is not knowingly in a place described in
division (B)(1) or (B)(3) to (10) of section 2923.126 of the
Revised Code.
(E)(1) Whoever violates division (A) or (B) of this section
is guilty of illegal conveyance or possession of a deadly weapon
or dangerous ordnance in a school safety zone. Except as otherwise
provided in this division, illegal conveyance or possession of a
deadly weapon or dangerous ordnance in a school safety zone is a
felony of the fifth degree. If the offender previously has been

convicted of a violation of this section, illegal conveyance or 1356
possession of a deadly weapon or dangerous ordnance in a school 1357
safety zone is a felony of the fourth degree. 1358

(2) Whoever violates division (C) of this section is guilty 1359
of illegal possession of an object indistinguishable from a 1360
firearm in a school safety zone. Except as otherwise provided in 1361
this division, illegal possession of an object indistinguishable 1362
from a firearm in a school safety zone is a misdemeanor of the 1363
first degree. If the offender previously has been convicted of a 1364
violation of this section, illegal possession of an object 1365
indistinguishable from a firearm in a school safety zone is a 1366
felony of the fifth degree. 1367

(F)(1) In addition to any other penalty imposed upon a person 1368
who is convicted of or pleads guilty to a violation of this 1369
section and subject to division (F)(2) of this section, if the 1370
offender has not attained nineteen years of age, regardless of 1371
whether the offender is attending or is enrolled in a school 1372
operated by a board of education or for which the state board of 1373
education prescribes minimum standards under section 3301.07 of 1374
the Revised Code, the court shall impose upon the offender a class 1375
four suspension of the offender's probationary driver's license, 1376
restricted license, driver's license, commercial driver's license, 1377
temporary instruction permit, or probationary commercial driver's 1378
license that then is in effect from the range specified in 1379
division (A)(4) of section 4510.02 of the Revised Code and shall 1380
deny the offender the issuance of any permit or license of that 1381
type during the period of the suspension. 1382

If the offender is not a resident of this state, the court 1383
shall impose a class four suspension of the nonresident operating 1384
privilege of the offender from the range specified in division 1385
(A)(4) of section 4510.02 of the Revised Code. 1386

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

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

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

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

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

(1) A judge of a court of record of this state or a magistrate, unless a rule of superintendence or another type of rule adopted by the supreme court pursuant to Article IV, Ohio Constitution, or an applicable local rule of court prohibits all persons from conveying or attempting to convey a deadly weapon or dangerous ordnance into a courthouse or into another building or structure in which a courtroom is located or from possessing or having under one's control a deadly weapon or dangerous ordnance in a courthouse or in another building or structure in which a courtroom is located;

(2) A peace officer, or an officer of a law enforcement agency 1417
of another state, a political subdivision of another state, or the 1418
United States, who is authorized to carry a deadly weapon or 1419
dangerous ordnance, who possesses or has under that individual's 1420
control a deadly weapon or dangerous ordnance as a requirement of 1421
that individual's duties, and who is acting within the scope of 1422
that individual's duties at the time of that possession or control, 1423
unless a rule of superintendence or another type of rule adopted by 1424
the supreme court pursuant to Article IV, Ohio Constitution, or an 1425
applicable local rule of court prohibits all persons from conveying 1426
or attempting to convey a deadly weapon or dangerous ordnance into 1427
a courthouse or into another building or structure in which a 1428
courtroom is located or from possessing or having under one's 1429
control a deadly weapon or dangerous ordnance in a courthouse or 1430
in another building or structure in which a courtroom is located; 1431
1432

(3) A person who conveys, attempts to convey, possesses, or 1433
has under the person's control a deadly weapon or dangerous 1434
ordnance that is to be used as evidence in a pending criminal or 1435
civil action or proceeding; 1436

(4) A bailiff or deputy bailiff of a court of record of this 1437
state who is authorized to carry a firearm pursuant to section 1438
109.77 of the Revised Code, who possesses or has under that 1439
individual's control a firearm as a requirement of that 1440
individual's duties, and who is acting within the scope of that 1441
individual's duties at the time of that possession or control, 1442
unless a rule of superintendence or another type of rule adopted 1443
by the supreme court pursuant to Article IV, Ohio Constitution, or 1444
an applicable local rule of court prohibits all persons from 1445
conveying or attempting to convey a deadly weapon or dangerous 1446
ordnance into a courthouse or into another building or structure 1447
in which a courtroom is located or from possessing or having under 1448

one's control a deadly weapon or dangerous ordnance in a 1449
courthouse or in another building or structure in which a 1450
courtroom is located; 1451

(5) A prosecutor, or a secret service officer appointed by 1452
a county prosecuting attorney, who is authorized to carry a deadly 1453
weapon or dangerous ordnance in the performance of the 1454
individual's duties, who possesses or has under that individual's 1455
control a deadly weapon or dangerous ordnance as a requirement of 1456
that individual's duties, and who is acting within the scope of 1457
that individual's duties at the time of that possession or 1458
control, unless a rule of superintendence or another type of rule 1459
adopted by the supreme court pursuant to Article IV of the Ohio 1460
Constitution or an applicable local rule of court prohibits all 1461
persons from conveying or attempting to convey a deadly weapon or 1462
dangerous ordnance into a courthouse or into another building or 1463
structure in which a courtroom is located or from possessing or 1464
having under one's control a deadly weapon or dangerous ordnance 1465
in a courthouse or in another building or structure in which a 1466
courtroom is located; 1467

(6) A person who conveys or attempts to convey a handgun 1468
into a courthouse or into another building or structure in which 1469
a courtroom is located, who, at the time of the conveyance or 1470
attempt, is carrying a valid license or temporary emergency 1471
liccncc _____ to carry a concealed 1472
handgun iacucd _____ to the person under 1473
ccction 2923.125 or 2923.1213 of the Rcvi3cd Code or a license to 1474
1475
agrcmct undcr section 109.G9 of the _____ Reviscd Code in 1476
a category 1477
described in division (C)(6)(a) or (b) of this section, and who 1478
transfers possession of the handgun to the officer or officer's 1479
designee who has charge of the courthouse or building. The officer 1480

possession of the handgun is prepared to leave the premises. The 1481
exemption described in this division applies only if the officer 1482
who has charge of the courthouse or building provides services of 1483
the nature described in this division. An officer who has charge 1484
of the courthouse or building is not required to offer services of 1485
the nature described in this division. The exemption described in 1486
this division does not apply if a rule of superintendence or 1487
another type of rule adopted by the supreme court pursuant to 1488
Article IV, Ohio Constitution, or if an applicable local rule of 1489
court prohibits all persons from conveying or attempting to convey 1490
a deadly weapon or dangerous ordnance into a courthouse or into 1491
another building or structure in which a courtroom is located or 1492
from possessing or having under one's control a deadly weapon or 1493
dangerous ordnance in a courthouse or in another building or 1494
structure in which a courtroom is located. The exemption described 1495
in this division applies in the circumstances described in this 1496
division only to a person who is in one or both of the following 1497
categories at the time of the conveyance or attempt: 1498

(a) The person is carrying a valid license or temporary 1499
emergency license to carry a concealed handgun issued to the 1500
person under section 2923.125 or 2923.1213 of the Revised Code or 1501
a license to carry a concealed handgun that was issued by another 1502
state with which the attorney general has entered into a 1503
reciprocity agreement under section 109.69 of the Revised Code. 1504

(b) The person is subject to and in compliance with the 1505
requirements of section 109.801 of the Revised Code, and the 1506,
appointing authority of the person has not expressly specified 1507
that the exemption described in this division does not apply to 1508
the person. 1509

(D)(1) Whoever violates division (A) of this section is 1510
guilty of illegal conveyance of a deadly weapon or dangerous 1511
ordnance into a courthouse. Except as otherwise provided in this 1512

division, illegal conveyance of a deadly weapon or dangerous 1513
ordnance into a courthouse is a felony of the fifth degree. If the 1514
offender previously has been convicted of a violation of division 1515
(A) or (B) of this section, illegal conveyance of a deadly weapon 1516
or dangerous ordnance into a courthouse is a felony of the fourth 1517
degree. 1518

(2) Whoever violates division (B) of this section is guilty 1519
of illegal possession or control of a deadly weapon or dangerous 1520
ordnance in a courthouse. Except as otherwise provided in this 1521
division, illegal possession or control of a deadly weapon or 1522
dangerous ordnance in a courthouse is a felony of the fifth 1523
degree. If the offender previously has been convicted of a 1524
violation of division (A) or (B) of this section, illegal 1525
possession OR control of a deadly weapon or dangerous ordnance in 1526
a courthouse is a felony of the fourth degree. 1527

(E) As used in this section: 1528

(1) "Magistrate" means an individual who is appointed by a 1529
court of record of this state and who has the powers and may 1530
perform the functions specified in Civil Rule 53, Criminal Rule 1531
19, or Juvenile Rule 40. 1532

(2) "Peace officer" and "prosecutor" have the same meanings 1533
as in section 2935.01 of the Revised Code. 1534

Sec. 2923.125. (A) Upon the request of a person who wishes to 1535
obtain a license to carry a concealed handgun or to renew a 1536
license to carry a concealed handgun, a sheriff, at any time 1537
during normal business hours, shall provide to the person free of 1538
charge an application form and a copy of the pamphlet described in 1539
division (B) of section 109.731 of the Revised Code. A sheriff 1540
shall accept a completed application form and the fee, items, 1541
materials, and information specified in divisions (B) (1) to (5) of

this section at the times and in the manners described in division 1543
(I) of this section. 1544

(B) An applicant for a license to carry a concealed handgun 1545
shall submit a completed application form and all of the following 1546
to the sheriff of the county in which the applicant resides or to 1547
the sheriff of any county adjacent to the county in which the 1548
applicant resides: 1549

(1) A nonrefundable license fee prescribed by the Ohio peace 1550
officer training commission pursuant to division (C) of section 1551
109.731 of the Revised Code, except that the sheriff shall waive 1552
the payment of the license fee in connection with an initial or 1553
renewal application for a license that is submitted by an 1554
applicant who is a retired peace officer, a retired person 1555
described in division (B)(1)(b) of section 109.77 of the Revised 1556
Code, or a retired federal law enforcement officer who, prior to 1557
retirement, was authorized under federal law to carry a firearm in 1558
the course of duty, unless the retired peace officer, person, or 1559
federal law enforcement officer retired as the result of a mental 1560
disability; 1561

(2) A color photograph of the applicant that was taken within 1562
thirty days prior to the date of the application; 1563

(3) One or more of the following competency certifications, 1564
each of which shall reflect that, regarding a certification 1565
described in division (B)(3)(a), (b), (c), (e), or (f) of this 1566
section, within the three years immediately preceding the 1567
application the applicant has performed that to which the 1568
competency certification relates and that, regarding a 1569
certification described in division (B)(3)(d) of this section, the 1570
applicant currently is an active ~~OR~~ reserve member of the armed 1571
forces of the United States or within the six years immediately 1572
preceding the application the honorable discharge or retirement to 1573
which the competency certification relates occurred: 1574

(a) An original or photocopy of a certificate of completion	1575
of a firearms safety, training, or requalification or firearms	1576
safety instructor course, class, or program that was offered by or	1577
under the auspices of the national rifle association and that	1578
complies with the requirements set forth in division (G) of this	1579
section;	1580
(b) An original or photocopy of a certificate of completion	1581
of a firearms safety, training, or requalification or firearms	1582
safety instructor course, class, or program that satisfies all of	1583
the following criteria:	1584
(i) It was open to members of the general public.	1585
(ii)	It
utilized qualified instructors who were certified by	1586
the national rifle association, the executive director of the Ohio	1587
peace officer training commission pursuant to section 109.75 or	1588
109.78 of the Revised Code, or a governmental official or entity	1589
of another state.	1590
(iii)	It
was offered by or under the auspices of a law	1591
enforcement agency of this or another state or the United States,	1592
a public or private college, university, or other similar	1593
postsecondary educational institution located in this or another	1594
state, a firearms training school located in this or another	1595
state, or another type of public or private entity or organization	1596
located in this or another state.	1597
(iv)	It
complies with the requirements set forth in division	1598
(G) of this section.	1599
(c) An original or photocopy of a certificate of completion	1600
of a state, county, municipal, or department of natural resources	1601
peace officer training school that is approved by the executive	1602

applicant has satisfactorily completed and been issued a
certificate of completion of a basic firearms training program, a
firearms requalification training program, or another basic
training program described in section 109.78 or 109.801 of the
Revised Code that complies with the requirements set forth in
division (G) of this section;

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

(i) That the applicant is an active or reserve member of the
armed forces of the United States, was honorably discharged from
military service in the active or reserve armed forces of the
United States, is a retired trooper of the state highway patrol,
or is a retired peace officer or federal law enforcement officer
described in division (B)(1) of this section or a retired person
described in division (B)(1)(b) of section 109.77 of the Revised
Code and division (B)(1) of this section;

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

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

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

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

(5) A set of fingerprints of the applicant provided as described in section 311.41 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.

(C) Upon receipt of an applicant's completed application form, supporting documentation, and, if not waived, license fee, a sheriff, in the manner specified in section 311.41 of the Revised Code, 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.

(D)(1) Except as provided in division (D)(3), (4), or (5) of this section, within forty-five days after a sheriff's receipt of an applicant's completed application form for a license to carry a concealed handgun, the supporting documentation, and, if not waived, the license fee, a the sheriff shall 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 1668
the system, shall issue to the applicant a license to carry a 1669
concealed handgun that shall expire four y_urs after the date 1670
_____ of 1671

issuance as described in division (D)(2)(a) of this section if all 1672
of the following apply: 1673

(a) The applicant is a citizen of the United States, has 1674
been a resident of this state for at least forty-five days and 1675
has been a resident of the county in which the person seeks the 1676
license or a county adjacent to the county in which the person 1677
seeks the license for at least thirty days. 1678

(b) The applicant is at least twenty-one years of age. 1679

(c) The applicant is not a fugitive from justice. 1680

(d) The applicant is not under indictment for or otherwise 1681
charged with a felony; an offense under Chapter 2925., 3719., or 1682
4729. of the Revised Code that involves the illegal possession, 1683
use, sale, administration, or distribution of or trafficking in a 1684
drug of abuse; a misdemeanor offense of violence; or a violation 1685
of section 2903.14 or 2923.1211 of the Revised Code. 1686

(e) The Except as otherwise provided in division (D)(5) of 1687
this section, the applicant has not been convicted of or pleaded 1688
guilty to a felony or an offense under Chapter 2925., 3719., or 1689
4729. of the Revised Code that involves the illegal possession, 1690
use, sale, administration, or distribution of or trafficking in a 1691
drug of abuse; has not been adjudicated a delinquent child for 1692
committing an act that if committed by an adult would be a felony 1693
or would be an offense under Chapter 2925., 3719., or 4729. of the 1694
Revised Code that involves the illegal possession, use, sale, 1695
administration, or distribution of or trafficking in a drug of 1696
abuse; and has not been convicted of, pleaded guilty to, or 1697
adjudicated a delinquent child for committing a violation of 1698

violation is a peace officer, regardless of whether the applicant 1699
was sentenced under division (C)(3) of that section. 1700

(f) The Except as otherwise provided in division (D)(5) of
1701
this section, the applicant, within three years of the date of the 1702
application, has not been convicted of or pleaded guilty to a 1703
misdemeanor offense of violence other than a misdemeanor violation 1704
of section 2921.33 of the Revised Code or a violation of section 1705
2903.13 of the Revised Code when the victim of the violation is a 1706
peace officer, or a misdemeanor violation of section 2923.1211 of 1707
the Revised Code; and has not been adjudicated a delinquent child 1708
for committing an act that if committed by an adult would be a 1709
misdemeanor offense of violence other than a misdemeanor violation 1710
of section 2921.33 of the Revised Code or a violation of section 1711
2903.13 of the Revised Code when the victim of the violation is a 1712
peace officer or for committing an act that if committed by an 1713
adult would be a misdemeanor violation of section 2923.1211 of the 1714
Revised Code. 1715

(g) Except as otherwise provided in division (D)(1)(e) of 1716
this section, the applicant, within five years of the date of the 1717
application, has not been convicted of, pleaded guilty to, or 1718
adjudicated a delinquent child for committing two or more 1719
violations of section 2903.13 or 2903.14 of the Revised Code. 1720

(h) The Except as otherwise provided in division (D)(5) of
1721
this section, the applicant, within ten years of the date of the 1722
application, has not been convicted of, pleaded guilty to, or 1723
adjudicated a delinquent child for committing a violation of 1724
section 2921.33 of the Revised Code. 1725

(i) The applicant has not been adjudicated as a mental 1726
defective, has not been committed to any mental institution, is 1727
not under adjudication of mental incompetence, has not been found 1728
by a court to be a mentally ill person subject to hospitalization 1729

who is a patient only for purposes of observation. As used in this 1731
division, "mentally ill person subject to hospitalization by court 1732
order" and "patient" have the same meanings as in section 5122.01 1733
of the Revised Code. 1734

(j) The applicant is not currently subject to a civil 1735
protection order, a temporary protection order, or a protection 1736
order issued by a court of another state. 1737

(k) The applicant certifies that the applicant desires a 1738
legal means to carry a concealed handgun for defense of the 1739
applicant or a member of the applicant's family while engaged in 1740
lawful activity. 1741

(1) The applicant submits a competency certification of the 1742
type described in division (8)(3) of this section and submits a 1743
certification of the type described in division (B)(4) of this 1744
section regarding the applicant's reading of the pamphlet prepared 1745
by the Ohio peace officer training commission pursuant to section 1746
109.731 of the Revised Code. 1747

(2)(a) A license to carry a concealed handgun that a 1748
sheriff issues under division (D)(1) of this section on or after 1749
the effective date of this amendment shall expire five years after 1750
the date of issuance. A license to carry a concealed handgun that 1751
a sheriff issued under division (D)(1) of this section prior to 1752
the effective date of this amendment shall expire four years after 1753
the date of issuance. 1754

If a sheriff issues a license under this section, the sheriff 1755
shall place on the license a unique combination of letters and 1756
numbers identifying the license in accordance with the procedure 1757
prescribed by the Ohio peace officer training commission pursuant 1758
to section 109.731 of the Revised Code. 1759

(b) If a sheriff denies an application under this section 1760
because the applicant does not satisfy the criteria described in 1761

division (D)(1) of this section, the sheriff shall specify the 1762
grounds for the denial in a written notice to the applicant. The 1763
applicant may appeal the denial pursuant to section 119.12 of the 1764
Revised Code in the county served by the sheriff who denied the 1765
application. If the denial was as a result of the criminal records 1766
check conducted pursuant to section 311.41 of the Revised Code and 1767
if, pursuant to section 2923.127 of the Revised Code, the 1768
applicant challenges the criminal records check results using the 1769
appropriate challenge and review procedure specified in that 1770
section, the time for filing the appeal pursuant to section 119.12 1771
of the Revised Code and this division is tolled during the 1772
pendency of the request or the challenge and review. If the court 1773
in an appeal under section 119.12 of the Revised Code and this 1774
division enters a judgment sustaining the sheriff's refusal to 1775
grant to the applicant a license to carry a concealed handgun, the 1776
applicant may file a new application beginning one year after the 1777
judgment is entered. If the court enters a judgment in favor of 1778
the applicant, that judgment shall not restrict the authority of a 1779
sheriff to suspend or revoke the license pursuant to section 1780
2923.128 or 2923.1213 of the Revised Code or to refuse to renew 1781
the license for any proper cause that may occur after the date the 1782
judgment is entered. In the appeal, the court shall have full 1783
power to dispose of all costs. 1784

(3) If the sheriff with whom an application for a license to 1785
carry a concealed handgun was filed under this section becomes 1786
aware that the applicant has been arrested for or otherwise 1787
charged with an offense that would disqualify the applicant from 1788
holding the license, the sheriff shall suspend the processing of 1789
the application until the disposition of the case arising from the 1790
arrest or charge. 1791

(4) If the sheriff determines that the applicant is a citizen 1792
of the United States and is a resident of the county in which the 1793

applicant seeks the license or of an adjacent county but does not 1794
yet meet the residency requirements described in division 1795
(D)(1)(a) of this section, the sheriff shall not deny the license 1796
because of the residency requirements but shall not issue the 1797
license until the applicant meets those residency requirements. 1798

(5) If an applicant has been convicted of or pleaded guilty 1799
to an offense identified in division (D)(1)(e), (f), or (h) of 1800
this section or has been adjudicated a delinquent child for 1801
committing an act or violation identified in any of those 1802
divisions, and if a court has ordered the sealing or expungement 1803
of the records of that conviction, guilty plea, or delinquent 1804
child adjudication pursuant to section 2151.358 or sections 1805
2953.31 to 2953.36 of the Revised Code, the sheriff with whom the 1806
application was submitted, in the sheriff's discretion, may 1807
consider the conviction, guilty plea, or delinquent child 1808
adjudication as not having occurred for purposes of division 1809

(D)(1)(e), (f), or (h) of this section and treat the applicant for 1811
purposes of the particular division as if the conviction, guilty 1812
plea, OR delinquent child adjudication never had occurred. If the 1813
sheriff, pursuant to this division, considers the conviction, 1814
guilty plea, or delinquent child adjudication as not having 1815
occurred and treats the applicant as if the conviction, guilty 1816
plea, or delinquent child adjudication never had occurred, and if 1817
all of the other criteria specified in division (D)(1) of this 1818
section apply regarding the applicant, the sheriff shall issue to 1819
the applicant a license to carry a concealed handgun as described 1820

in division (D)(1) of this section.

If a sheriff is authorized pursuant to this division to 1821
consider a conviction, guilty plea, or delinquent child 1822
adjudication identified in division (D)(1)(e), (f), or (h) of 1823
this 1824
section as not having occurred and to treat the applicant as if 1825

never had occurred, and if the sheriff, in the sheriff's 1826
discretion, does not consider the conviction, guilty plea, or 1827
delinquent child adjudication as not having occurred and does not 1828
treat the applicant as if the conviction, guilty plea, or 1829
delinquent adjudication never had occurred, the sheriff's decision 1830
to not so consider the conviction, guilty plea, or delinquent 1831
child adjudication and to not so treat the applicant is appealable 1832
pursuant to division (U)(2)(b) of this section. Upon such an 1833
appeal, if the court determines that the records of the 1834
conviction, guilty plea, or delinquent child adjudication in 1835
question have been sealed or expunged pursuant to section 2151.358 1836
or sections 2953.31 to 2953.36 of the Revised Code, the court, in 1837
the court's discretion, may consider the conviction, guilty plea, 1838
or delinquent child adjudication as not having occurred for 1839
purposes of division (U)(1)(e), (f), or (h) of this section and 1840
treat the applicant for purposes of the particular division as if 1841
the conviction, guilty plea, or delinquent child adjudication 1842
never had occurred. 1843

(E) If a license to carry a concealed handgun issued under 1844
this section is lost or is destroyed, the licensee may obtain from 1845
the sheriff who issued that license a duplicate license upon the 1846
payment of a fee of fifteen dollars and the submission of an 1847
affidavit attesting to the loss or destruction of the license. The 1848
sheriff, in accordance with the procedures prescribed in section 1849
109.731 of the Revised Code, shall place on the replacement 1850
license a combination of identifying numbers different from the 1851
combination on the license that is being replaced. 1852

(F) A licensee who wishes to renew a license to carry a 1853
concealed handgun issued under this e e e n section shall do so 1854
within not earlier than ninety days before the expiration date of 1855
the license and not later than thirty days after the expiration 1856
date of the license by filing with the sheriff of the county in 1857

which the applicant resides or with the sheriff of an adjacent 1858
county an application for renewal of the license obtained pursuant 1859
to division (D) of this section, a new color photograph of the 1860
licensee that was taken within thirty days prior to the date of 1861
the renewal application, a certification by the applicant that, 1862
subsequent to the issuance of the license, the applicant has 1863
reread the pamphlet prepared by the Ohio peace officer training 1864
commission pursuant to section 109.731 of the Revised Code that 1865
reviews firearms, dispute resolution, and use of deadly force 1866
matters, a new set of fingerprints provided in the manner 1867
specified in division (D)(4)(B)(5) of this section 2923.125 of the 1868
Reed-Ce^{de} regarding initial applications for a license to carry a 1869
concealed handgun, and a nonrefundable license renewal fee unless 1870
the fee is waived. The licensee also shall submit a competency 1871
certification of the type described in division (B)(3) of this 1872
section that is not older than six years or a renewed competency 1873
certification of the type described in division (G)(4) of this 1874
section that is not older than six years. A sheriff shall accept a 1875
completed renewal application and the fee, items, materials, and 1876
information specified in this division at the times and in the 1877
manners described in division (I) of this section. 1878

Upon receipt of a completed renewal application, color 1879
photograph, certification that the applicant has reread the 1880
specified pamphlet prepared by the Ohio peace officer training 1881
commission, new set of fingerprints, competency certification or 1882
renewed competency certification, and license renewal fee unless 1883
the fee is waived, a sheriff, in the manner specified in section 1884
311.41 of the Revised Code shall conduct or cause to be conducted 1885
the criminal records check and the incompetency records check 1886
described in section 311.41 of the Revised Code. The sheriff shall 1887
renew the license if the sheriff determines that the applicant 1888
continues to satisfy the requirements described in division (D) (1) 1889
of this section, except that the applicant is required to submit a 1890

renewed competency certification only in the circumstances 1891
described in division (G)(4) of this section and except that 1892
division (D)(5) of this section also applies regarding the renewal 1893
application. A renewed license that is renewed on or after the 1894
effective date of this amendment shall expire five years after the 1895
date of issuance, and a renewed license that is renewed prior to 1896
the effective date of this amendment shall expire four years after 1897
the date of issuance ate. A 1898
renewed license is subject to division 1898
(E) of this section and sections 2923.126 and 2923.128 of the 1899
Revised Code. A sheriff shall comply with divisions (D)(2) to (4) 1900
of this section when the circumstances described in those 1901
divisions apply to a requested license renewal, and division 1902
(D)(5) of this section applies in relation to a requested license 1903
renewal. If a sheriff denies the renewal of a license to carry a 1904
concealed handgun, the applicant may appeal the denial, or 1905
challenge the criminal record check results that were the basis of 1906
the denial if applicable, in the same manner as specified in 1907
division (D) (2) (b) and, 1908
if applicable, division (D) (5) of this 1908
section and in section 2923.127 of the Revised Code, regarding the 1909
denial of a license under this section. 1910

(G)(1) Each course, class, or program described in division 1911
(B)(3)(a), (b), (c), or (e) of this section shall provide to each 1912
person who takes the course, class, or program a copy of the 1913
pamphlet prepared by the Ohio peace officer training commission 1914
pursuant to section 109.731 of the Revised Code that reviews 1915
firearms, dispute resolution, and use of deadly force matters. 1916
Each such course, class, or program described in one of those 1917
divisions shall include at least twelve hours of training in the 1918
safe handling and use of a firearm that shall include all of the 1919
following: 1920

(i) The ability to name, explain, and demonstrate the rules 1922

for safe handling of a handgun and proper storage practices for handguns and ammunition;	1923 1924
(ii) The ability to demonstrate and explain how to handle ammunition in a safe manner;	1925 1926
(iii)The ability to demonstrate the knowledge, skills, and attitude necessary to shoot a handgun in a safe manner;	1927 1928
(iv) Gun handling training.	1929
(b) At least two hours of training that consists of range time and live-fire training.	1930 1931
(2) To satisfactorily complete the course, class, or program described in division (B)(3)(a), (b), (c), or (e) of this section, the applicant shall pass a competency examination that shall include both of the following:	1932 1933 1934 1935
(a) A written section on the ability to name and explain the rules for the safe handling of a handgun and proper storage practices for handguns and ammunition;	1936 1937 1938
(b) A physical demonstration of competence in the use of a handgun and in the rules for safe handling and storage of a handgun and a physical demonstration of the attitude necessary to shoot a handgun in a safe manner.	1939 1940 1941 1942
(3) The competency certification described in division (B)(3)(a), (b), (c), or (e) of this section shall be dated and shall attest that the course, class, or program the applicant successfully completed met the requirements described in division (G)(1) of this section and that the applicant passed the competency examination described in division (G)(2) of this section.	1943 1944 1945 1946 1947 1948 1949
(4) A person who has received a competency certification as described in division (B)(3) of this section, or who previously has received a renewed competency certification as described in	1950 1951 1952

this division, may obtain a renewed competency certification 1953
pursuant to this division. If the person has received a competency 1954
certification within the preceding six years, or previously has 1955
received a renewed competency certification within the preceding 1956
six years, the person may obtain a renewed competency 1957
certification from an entity that offers a course, class, or 1958
program described in division (B)(3)(a), (b), (c), or (e) of this 1959
section by passing a competency examination of the type described 1960
in division (G)(2) of this section. In these circumstances, the 1961
person is not required to attend the course, class, or program in 1962
order to be eligible to take the competency examination for the 1963
renewed competency certification. If more than six years has 1964
elapsed since the person last received a competency certification 1965
or a renewed competency certification, in order for the person to 1966
obtain a renewed competency certification, the person shall both 1967
satisfactorily complete a course, class, or program described in 1968
division (B)(3)(a), (b), (c), or (e) of this section and pass a 1969
competency examination of the type described in division (G)(2) of 1970
this section. A renewed competency certification issued under this 1971
division shall be dated and shall attest that the applicant passed 1972
the competency examination of the type described in division 1973
(G)(2) of this section and, if applicable, that the person 1974
successfully completed a course, class, or program that met the 1975
requirements described in division (G)(1) of this section. 1976

(H) Upon deciding to issue a license, deciding to issue a 1977
replacement license, or deciding to renew a license to carry a 1978
concealed handgun pursuant to this section, and before actually 1979
issuing or renewing the license, the sheriff shall make available 1980
through the law enforcement automated data system all information 1981
contained on the license. If the license subsequently is suspended 1982
under division (A) (1) of section 2923.128 of the Revised Code, 1983
revoked pursuant to division (B) (1) of section 2923.128 of the 1984

Revised Code, or lost or destroyed, the sheriff also shall make
available through the law enforcement automated data system a
notation of that fact. The superintendent of the state highway
patrol shall ensure that the law enforcement automated data system
is so configured as to permit the transmission through the system
of the information specified in this division.

(I) A sheriff shall accept a completed application form or
renewal application, and the fee, items, materials, and
information specified in divisions (B)(1) to (5) or
division (F) of this section, whichever is applicable, at any
time during normal business hours. In no case shall a sheriff
require an appointment or designate a specific period of time
for the
submission or acceptance of completed application forms or renewal
applications or the fee, items, materials, and information
specified in divisions (B)(1) to (5) or division (F) of this
section, whichever is applicable, or for the provision to any
person of an application form or renewal application and a copy of
the pamphlet described in division (B) of section 109.731 of the
Revised Code.

(K) If a sheriff issues a license or renews a license to carry
a concealed handgun pursuant to this section, not later than sixty
days before the expiration date of the license, the sheriff shall
notify the licensee, in writing, of the upcoming expiration of the
license. The notice required by this division shall be sent to the
licensee by regular mail at the licensee's last known residence
address. The notice shall inform the licensee of the expiration
date of the license, of the procedure for renewing the license,
and of the fact that the license must be renewed not later than
thirty days after the specified expiration date and that that
thirty-day period is a grace period during which the license
remains valid. The duty imposed by this division applies regarding
all licenses to carry a concealed handgun issued or

renewed under this section prior to, on, or after the effective date of this amendment. 2017
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Sec. 2923.126. (A) A license to carry a concealed handgun 2019
that is issued under section 2923.125 of the Revised Code on or 2020
after the effective date of this amendment shall expire five years 2021
after the date of issuance, and a license that is so issued prior 2022
to the effective date of this amendment shall expire four years 2023
after the date of issuance. A licensee who has been issued a 2024
license under that section shall be granted a grace period of 2025
thirty days after the licensee's license expires during which the 2026
licensee's license remains valid. Except as provided in divisions 2027
(B) and (C) of this section, a licensee who has been issued a 2028
license under section 2923.125 or 2923.1213 of the Revised Code 2029
may carry a concealed handgun anywhere in this state if the 2030
licensee also carries a valid license and valid identification 2031
when the licensee is in actual possession of a concealed handgun. 2032
The licensee shall give notice of any change in the licensee's 2033
residence address to the sheriff who issued the license within 2034
forty-five days after that change. 2035

If a licensee is the driver or an occupant of a motor vehicle 2036
that is stopped as the result of a traffic stop or a stop for 2037
another law enforcement purpose and if the licensee is 2038
transporting or has a loaded handgun in the motor vehicle at that 2039
time, the licensee shall promptly inform any law enforcement 2040
officer who approaches the vehicle while stopped that the licensee 2041
has been issued a license or temporary emergency license to carry 2042
a concealed handgun and that the licensee currently possesses or 2043
has a loaded handgun; the licensee shall comply with lawful orders 2044
of a law enforcement officer given while the motor vehicle is 2045
stopped, shall remain in the motor vehicle while stopped, and 2046
shall keep the licensee's hands in plain sight while any law 2047

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enforcement officer begins approaching the licensee while stopped 2048
and before the officer leaves, unless directed otherwise by a law 2049
enforcement officer; and the licensee shall not knowingly remove, 2050

attempt to remove, grasp, or hold the loaded handgun or knowingly
have contact with the loaded handgun by touching it with the 2051
licensee's hands or fingers, in any manner in violation of 2052
division (E) of section 2923.16 of the Revised Code, while any law 2053
enforcement officer begins approaching the licensee while stopped 2054
and before the officer leaves. If a law enforcement officer 2055
otherwise approaches a person who has been stopped for a law 2056
enforcement purpose, if the person is a licensee, and if the 2057
licensee is carrying a concealed handgun at the time the officer 2058
approaches, the licensee shall promptly inform the officer that 2059
the licensee has been issued a license or temporary emergency 2060
license to carry a concealed handgun and that the licensee 2061
currently is carrying a concealed handgun. 2062
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(B) A valid license issued under section 2923.125 or 2064
2923.1213 of the Revised Code does not authorize the licensee to 2065
carry a concealed handgun in any manner prohibited under division 2066
(B) of section 2923.12 of the Revised Code or in any manner 2067
prohibited under section 2923.16 of the Revised Code. A valid 2068
license does not authorize the licensee to carry a concealed 2069
handgun into any of the following places: 2070

(1) A police station, sheriff's office, or state highway 2071
patrol station, premises controlled by the bureau of criminal 2072
identification and investigation, a state correctional 2073
institution, jail, workhouse, or other detention facility, an 2074
airport passenger terminal, or an institution that is maintained, 2075
operated, managed, and governed pursuant to division (A) of 2076
section 5119.02 of the Revised Code or division (A)(1) of section 2077
5123.03 of the Revised Code; 2078

(2) A school safety zone, in violation of section 2923.122 of 2079

the Revised Code;

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

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(4) Any room or open air arena in which liquor is being dispensed in premises for which a D permit has been issued under Chapter 4303. of the Revised Code, in violation of section 2923.121 of the Revised Code;

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

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(6) Any church, synagogue, mosque, or other place of worship, unless the church, synagogue, mosque, or other place of worship posts or permits otherwise;

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

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

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(9) Any building that is owned by this state or any political subdivision of this state, and all portions of any building that is not owned by any governmental entity listed in this division but that is leased by such a governmental entity listed in this division;	2110 2111 2112 2113 2114
(10) place in which federal law prohibits the carrying of handguns.	A 2115 2116
(C)(1) Nothing in this section shall negate OR restrict a rule, policy, or practice of a private employer that is not a private college, university, or other institution of higher education concerning or prohibiting the presence of firearms on the private employer's premises or property, including motor vehicles owned by the private employer. Nothing in this section shall require a private employer of that nature to adopt a rule, policy, or practice concerning or prohibiting the presence of firearms on the private employer's premises or property, including motor vehicles owned by the private employer.	2117 2118 2119 2120 2121 2122 2123 2124 2125 2126
(2)(a) A private employer shall be immune from liability in a civil action for any injury, death, or loss to person or property that allegedly was caused by or related to a licensee bringing a handgun onto the premises OR property of the private employer, including motor vehicles owned by the private employer, unless the private employer acted with malicious purpose. A private employer is immune from liability in a civil action for any injury, death, or loss to person or property that allegedly was caused by or related to the private employer's decision to permit a licensee to bring, or prohibit a licensee from bringing, a handgun onto the premises or property of the private employer. As used in this division, "private employer" includes a private college, university, or other institution of higher education.	2127 2128 2129 2130 2131 2132 2133 2134 2135 2136 2137 2138 2139
(b) A political subdivision shall be immune from liability in	2140

a civil action, to the extent and in the manner provided in Chapter 2141
2744. of the Revised Code, for any injury, death, or loss to person 2142
or property that allegedly was caused by or related to a licensee 2143
bringing a handgun onto any premises or property owned, leased, or 2144
otherwise under the control of the political subdivision. As used 2145
in this division, "political subdivision" has the same meaning as 2146
in section 2744.01 of the Revised Code. 2147

(3) The owner or person in control of private land or premises, 2148
and a private person or entity leasing land or premises owned by 2149
the state, the United States, or a political subdivision of the 2150
state or the United States, may post a sign in a conspicuous 2151
location on that land or on those premises prohibiting persons from 2152
carrying firearms or concealed firearms on or onto that land or 2153
those premises. A person who knowingly violates a posted 2154
prohibition of that nature is guilty of criminal trespass in 2155
violation of division (A)(4) of section 2911.21 of the Revised Code 2156
and is guilty of a misdemeanor of the fourth degree. 2157

(D) A person who holds a license to carry a concealed handgun 2158
that was issued pursuant to the law of another state that is 2159
recognized by the attorney general pursuant to a reciprocity 2160
agreement entered into pursuant to section 109.69 of the Revised 2161
Code has the same right to carry a concealed handgun in this state 2162
as a person who was issued a license to carry a concealed handgun 2163
under section 2923.125 of the Revised Code and is subject to the 2164
same restrictions that apply to a person who carries a license 2165
issued under that section. 2166

A peace officer has the same right to carry a concealed 2167
handgun in this state as a person who was issued a license to 2168
carry a concealed handgun under section 2923.125 of the Revised 2169
Code. For purposes of reciprocity with other states, a peace 2170
officer shall be considered to be a licensee in this state. 2171

Sec. 2923.127. (A) If a sheriff denies an application for a license to carry a concealed handgun, denies the renewal of a license to carry a concealed handgun, or denies an application for a temporary emergency license to carry a concealed handgun as a result of the criminal records check conducted pursuant to section 311.41 of the Revised Code and if the applicant believes the denial was based on incorrect information reported by the source the sheriff used in conducting the criminal records check, the applicant may challenge the criminal records check results using whichever of the following is applicable:

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

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

(B) The bureau of criminal identification and investigation shall prescribe a challenge and review procedure for applicants to use to challenge criminal records checks under division (A)(2) of this section in counties in which the sheriff with whom the application for a license to carry a concealed handgun or for the renewal of a license to carry a concealed handgun was filed or with whom the application for a temporary emergency license to carry a concealed handgun was submitted does not have an existing challenge and review procedure.

Sec. 2923.128. (A)(1) If a licensee holding a valid license

issued under section 2923.125 or 2923.1213 of the Revised Code is 2202
arrested for or otherwise charged with an offense described in 2203
division (D)(1)(d) of section 2923.125 of the Revised Code or with 2204
a violation of section 2923.15 of the Revised Code or becomes 2205
subject to a temporary protection order or to a protection order 2206
issued by a court of another state that is substantially 2207
equivalent to a temporary protection order, the sheriff who issued 2208
the license or temporary emergency license shall suspend it and 2209
shall comply with division (A)(3) of this section upon becoming 2210
aware of the arrest, charge, or protection order. 2211

(2) A suspension under division (A)(1) of this section shall 2212
be considered as beginning on the date that the licensee is 2213
arrested for or otherwise charged with an offense described in 2214
that division or on the date the appropriate court issued the 2215
protection order described in that division, irrespective of when 2216
the sheriff notifies the licensee under division (A)(3) of this 2217
section. The suspension shall end on the date on which the charges 2218
are dismissed or the licensee is found not guilty of the offense 2219
described in division (A)(1) of this section or, subject to 2220
division (B) of this section, on the date the appropriate court 2221
terminates the protection order described in that division. If the 2222
suspension so ends, the sheriff shall return the license or 2223
temporary emergency license to the licensee. 2224

(3) Upon becoming aware of an arrest, charge, or protection 2225
order described in division (A)(1) of this section with respect to 2226
a licensee who was issued a license under section 2923.125 or 2227
2923.1213 of the Revised Code, the sheriff who issued the 2228
licensee's license or temporary emergency license to carry a 2229
concealed handgun shall notify the licensee, by certified mail, 2230
return receipt requested, at the licensee's last known residence 2231
address that the license or temporary emergency license has been 2232
suspended and that the licensee is required to surrender the 2233

license or temporary emergency license at the sheriff's office 2234
within ten days of the date on which the notice was mailed. 2235

(B)(1) A sheriff who issues a license or temporary emergency 2236
license to carry a concealed handgun to a licensee under section 2237
2923.125 or 2923.1213 of the Revised Code shall revoke the license 2238
or temporary emergency license in accordance with division (B)(2) 2239
of this section upon becoming aware that the licensee satisfies 2240
any of the following: 2241

(a) The licensee is under twenty-one years of age. 2242

(b) A- Subject to division (B)(3) of this section, at the 2243
time of the issuance of the license or temporary emergency 2244
license, the licensee did not satisfy the eligibility requirements 2245
of division (D) (1) (c) , (d), (e), (f), (g), or (h) of section 2246
2923.125 of the Revised Code. 2247

(c) **eft** Subject to division (B)(3) of this section, on or 2248
after the date on which the license or temporary emergency license 2249
was issued, the licensee is convicted of or pleads guilty to a 2250
violation of section 2923.15 of the Revised Code or an offense 2251
described in division (D)(1)(e), (f), (g), or (h) of section 2252
2923.125 of the Revised Code. 2253

(d) On or after the date on which the license or temporary 2254
emergency license was issued, the licensee becomes subject to a 2255
civil protection order or to a protection order issued by a court 2256
of another state that is substantially equivalent to a civil 2257
protection order. 2258

(e) The licensee knowingly carries a concealed handgun into 2259
a place that the licensee knows is an unauthorized place 2260
specified in division (B) of section 2923.126 of the Revised 2261
Code. 2262

emergency license was issued, the licensee is adjudicated as a 2263

mental defective or is committed to a mental institution. 2264

(g) At the time of the issuance of the license or temporary 2265
emergency license, the licensee did not meet the citizenship and 2266
residency requirements described in division (D)(1) of section 2267
2923.125 of the Revised Code and currently does not meet the 2268
citizenship or residency requirements described in that division. 2269

(h) Regarding a license issued under section 2923.125 of 2270
the Revised Code, the competency certificate the licensee 2271
submitted was forged or otherwise was fraudulent. 2272

(2) Upon becoming aware of any circumstance listed in 2273
division (B)(1) of this section that applies to a particular 2274
licensee who was issued a license under section 2923.125 or 2275
2923.1213 of the Revised Code, the sheriff who issued the license 2276
or temporary emergency license to carry a concealed handgun to the 2277
licensee shall notify the licensee, by certified mail, return 2278
receipt requested, at the licensee's last known residence address 2279
that the license or temporary emergency license is subject to 2280
revocation and that the licensee may come to the sheriff's office 2281
and contest the sheriff's proposed revocation within fourteen days 2282
of the date on which the notice was mailed. After the fourteen-day 2283
period and after consideration of any information that the 2284
licensee provides during that period, if the sheriff determines on 2285
the basis of the information of which the sheriff is aware that 2286
the licensee is described in division (B)(1) of this section and 2287
no longer satisfies the requirements described in division (D)(1) 2288
of section 2923.125 of the Revised Code that are applicable to the 2289
licensee's type of license, subject to division (B)(3) of this 2290
section, the sheriff shall revoke the license or temporary 2291
emergency license, notify the licensee of that fact, and require 2292
the licensee to surrender the license or temporary emergency 2293
license. 2294

(3) If a sheriff who issues a license or temporary emergency license to carry a concealed handgun to a licensee under section 2923.125 or 2923.1213 of the Revised Code becomes aware that, at the time of the issuance of the license or temporary emergency license, the licensee had been convicted of or pleaded guilty to an offense identified in division (D) (1) (e) , ____ (f), or _____ (h) of section 2923.125 of the Revised Code or had been adjudicated a delinquent child for committing an act or violation identified in any of those divisions and thus did not satisfy the eligibility requirements of the particular division, or that, on or after the date on which the license or temporary emergency license was issued, the licensee has been convicted of or pleaded guilty to a violation of section 2923.15 of the Revised Code or an offense described in division (D) (1)(e), (f), or (h) of section 2923.125 of the Revised Code, and if a court has ordered the sealing or expungement of the records of that conviction, guilty plea, or delinquent child adjudication pursuant to section 2151.358 or sections 2953.31 to 2953.36 of the Revised Code, the sheriff, in the sheriff's discretion, may consider the conviction, guilty plea, or adjudication as not having occurred for purposes of division (B) (1)(b) or (c) of this section and treat the licensee for purposes of the particular division as if the conviction, guilty plea, or adjudication never had occurred. If the sheriff, pursuant to this division, considers the conviction, guilty plea, or delinquent child adjudication as not having occurred and treats the licensee as if the conviction, guilty plea, or adjudication never had occurred, the sheriff is not required pursuant to divisions (B)(1) and (2) of this section to revoke the license or temporary emergency license based on that conviction, guilty plea, or adjudication.

If a sheriff is authorized pursuant to this division to consider a

section 2923.15 of the Revised Code or a conviction of, plea of 2327
guilty to, or delinquent child adjudication for committing an act 2328
or violation described in division (D)(1)(e), (f), or (h) of 2329
section 2923.125 of the Revised Code as not having occurred and to 2330
treat the licensee as if the conviction, guilty plea, or 2331
adjudication never had occurred, and if the sheriff, in the 2332
sheriff's discretion, does not consider the conviction, guilty 2333
plea, or adjudication as not having occurred and does not treat 2334
the licensee as if the conviction, guilty plea, or adjudication 2335
never had occurred, the licensee may contest the sheriff's 2336
decision to not so consider the conviction, guilty plea, or 2337
adjudication and to not so treat the licensee pursuant to division 2338
(B)(2) of this section. If the licensee so contests the sheriff's 2339
decision, the sheriff, in the sheriff's discretion, may consider 2340
the conviction, guilty plea, or delinquent child adjudication as 2341
not having occurred for purposes of division (B)(1)(b) or (c) of 2342
this section and treat the licensee for purposes of that division 2343
as if the conviction, guilty plea, or adjudication never had 2344
occurred. 2345

Sec. 2923.129. (A)(1) If a sheriff, the superintendent of the 2346
bureau of criminal identification and investigation, the employees 2347
of the bureau, the Ohio peace officer training commission, or the 2348
employees of the commission make a good faith effort in performing 2349
the duties imposed upon the sheriff, the superintendent, the 2350
bureau's employees, the commission, or the commission's employees 2351
by sections 109.731, 311.41, and 2923.124 to 2923.1213 of the 2352
Revised Code, in addition to the personal immunity provided by 2353
section 9.86 of the Revised Code or division (A)(6) of section 2354
2744.03 of the Revised Code and the governmental immunity of 2355
sections 2744.02 and 2744.03 of the Revised Code and in addition 2356
to any other immunity possessed by the bureau, the commission, and 2357
their employees, the sheriff, the sheriff's office, the county in 2358

which the sheriff has jurisdiction, the bureau, the superintendent 2359
of the bureau, the bureau's employees, the commission, and the 2360
commission's employees are immune from liability in a civil action 2361
for injury, death, or loss to person or property that allegedly 2362
was caused by or related to any of the following: 2363

(a) The issuance, renewal, suspension, or revocation of a 2364
license to carry a concealed handgun or the issuance, suspension, 2365
or revocation of a temporary emergency license to carry a 2366
concealed handgun; 2367

(b) The failure to issue, renew, suspend, or revoke a license 2368
to carry a concealed handgun or the failure to issue, suspend, or 2369
revoke a temporary emergency license to carry a concealed handgun; 2370

(c) Any action or misconduct with a handgun committed by a 2371
licensee. 2372

(2) Any action of a sheriff relating to the issuance, 2373
renewal, suspension, or revocation of a license to carry a 2374
concealed handgun or the issuance, suspension, or revocation of a 2375
temporary emergency license to carry a concealed handgun shall be 2376
considered to be a governmental function for purposes of Chapter 2377
2744. of the Revised Code. 2378

(3) An entity that or instructor who provides a competency 2379
certification of a type described in division (B)(3) of section 2380
2923.125 of the Revised Code is immune from civil liability that 2381
might otherwise be incurred or imposed for any death or any injury 2382
or loss to person or property that is caused by or related to a 2383
person to whom the entity or instructor has issued the competency 2384
certificate if all of the following apply: 2385

(a) The alleged liability of the entity or instructor 2386
relates to the training provided in the course, class, or program 2387
covered by the competency certificate. 2388

(b) The entity or instructor makes a good faith effort in 2389

determining whether the person has satisfactorily completed the 2390
course, class, or program and makes a good faith effort in 2391
assessing the person in the competency examination conducted 2392
pursuant to division (G)(2) of section 2923.125 of the Revised 2393
Code. 2394

(c) The entity or instructor did not issue the competency 2395
certificate with malicious purpose, in bad faith, or in a wanton 2396
or reckless manner. 2397

(4) An entity that or instructor who provides a renewed 2398
competency certification of a type described in division (G) (4) of 2399
section 2923.125 of the Revised Code is immune from civil 2400
liability that might otherwise be incurred or imposed for any 2401
death or any injury or loss to person or property that is caused 2402
by or related to a person to whom the entity or instructor has 2403
issued the renewed competency certificate if all of the following 2404
apply: 2405

(a) The entity or instructor makes a good faith effort in 2406
assessing the person in the competency examination conducted 2407
pursuant to division (G)(2) of section 2923.125 of the Revised 2408
Code. 2409

(b) The entity or instructor did not issue the renewed 2410
competency certificate with malicious purpose, in bad faith, or in 2411
a wanton or reckless manner. 2412

(5) A law enforcement agency that employs a peace officer is 2413
immune from liability in a civil action to recover damages for 2414
injury, death, or loss to person or property allegedly caused by 2415
any act of that peace officer if the act occurred while the peace 2416
officer carried a concealed handgun and was off duty and if the 2417
act allegedly involved the peace officer's use of the concealed 2418
handgun. Sections 9.86 and 9.87, and Chapter 2744., of the Revised 2419
Code apply to any civil action involving a peace officer's use of 2420

a concealed handgun in the performance of the peace officer's 2421
official duties while the peace officer is off duty. 2422

(B)(1) Notwithstanding section 149.43 of the Revised Code, 2423
except as provided in division (B)(2) of this section, the records 2424
that a sheriff keeps relative to the issuance, renewal, 2425
suspension, or revocation of a license to carry a concealed 2426
handgun or the issuance, suspension, or revocation of a temporary 2427
emergency license to carry a concealed handgun, including, but not 2428
limited to, completed applications for the issuance or renewal of 2429
a license, completed affidavits submitted regarding an application 2430
for a temporary emergency license, reports of criminal records 2431
checks and incompetency records checks under section 311.41 of the 2432
Revised Code, notices of the upcoming expiration date of a 2433
license, and applicants' social security numbers and fingerprints 2434
that are obtained under division (A) of section 311.41 of the 2435
Revised Code, are confidential and are not public records. Except 2436
as provided in division (B)(2) of this section, no person shall 2437
release or otherwise disseminate records that are confidential 2438
under this division unless required to do so pursuant to a court 2439
order. 2440

(2)(a) Upon a written request made to a sheriff and signed 2441
by 2442
a journalist on or after April 2443
8, 2004, except as provided in division (B)(2)(b) of this section, 2444
the sheriff shall disclose to the journalist the name, county of 2445
residence, and date of birth of each person to whom the sheriff 2446
has issued a license or replacement license to carry a concealed 2447
handgun, renewed a license to carry a concealed handgun, or issued 2448
a temporary emergency license or replacement temporary emergency 2449
license to carry a concealed handgun under section 2923.125 or 2450
2923.1213 of the Revised Code. The request shall include the 2451
journalist's name and title, shall include the name and address of 2452

information sought would be in the public interest. 2453

(b) A sheriff who is required pursuant to division (B)(2)(a) 2454
of this section to disclose to a journalist the name, county of 2455
residence, and date of birth of persons to whom the sheriff has 2456
issued a license or replacement license to carry a concealed 2457
handgun, renewed a license to carry a concealed handgun, or issued 2458
a temporary emergency license or replacement temporary emergency 2459
license to carry a concealed handgun under section 2923.125 or 2460
2923.1213 of the Revised Code shall not disclose the name, county 2461
of residence, or date of birth of a particular person to whom the 2462
sheriff has issued any such license or replacement license if, at 2463
any time prior to the journalist's making of the request described 2464
in division (B)(2) (a) of this section, that person has filed with 2465
the sheriff either a statement sworn by the person that is made 2466
under threat of perjury and that states that the person has 2467
reasonable cause to fear a criminal attack upon the person or a 2468
member of the person's family if the information is disclosed to a 2469

2470
journalist or the general public or a written document prepared by a 2471
governmental entity or public official describing the facts that 2472
give the person reasonable cause to fear a criminal attack upon 2473
the person or a member of the person's family if the information 2474
is disclosed to a journalist or the general public. Written 2475
documents of the nature described in this division include, but 2476
are not limited to, any temporary protection order, civil 2477
protection order, protection order issued by a court of another 2478
state, or other court order, any court report, and any report 2479
filed with or made by law enforcement agency or prosecutor.

A person may file a statement or written document of the type 2480
described in this division at the time of the person's application 2481
for a license or for renewal of a license to carry a concealed 2482
handgun, at the time of the person's submission of the materials 2483
required to request a replacement license to carry a concealed 2484

handgun, or at the time of the person's submission of the 2485
materials required to request a temporary emergency license or a 2486
replacement temporary emergency license to carry a concealed 2487
handgun, whichever is applicable, or at any time after the person 2488
has been issued the license, replacement license, renewal license, 2489
temporary emergency license, or replacement temporary emergency 2490
license. 2491

(c) As used in division (B)(2) of this section, "journalist" 2492
means a person engaged in, connected with, or employed by any news 2493
medium, including a newspaper, magazine, press association, news 2494
agency, or wire service, a radio or television station, or a 2495
similar medium, for the purpose of gathering, processing, 2496
transmitting, compiling, editing, or disseminating information for 2497
the general public. 2498

(C) Each sheriff shall report to the Ohio peace officer 2499
training commission the number of licenses to carry a concealed 2500
handgun that the sheriff issued, renewed, suspended, revoked, or 2501
denied during the previous quarter of the calendar year, the 2502
number of applications for those licenses for which processing was 2503
suspended in accordance with division (D)(3) of section 2923.125 2504
of the Revised Code during the previous quarter of the calendar 2505
year, and the number of temporary emergency licenses to carry a 2506
concealed handgun that the sheriff issued, suspended, revoked, or 2507
denied during the previous quarter of the calendar year. The 2508
sheriff shall not include in the report the name or any other 2509
identifying information of an applicant or licensee. The sheriff 2510
shall report that information in a manner that permits the 2511
commission to maintain the statistics described in division (D) of 2512
section 109.731 of the Revised Code and to timely prepare the 2513
statistical report described in that division. The information 2514
that is received by the commission under this division is a public 2515
record kept by the commission for the purposes of section 149.43 2516

of the Revised Code. 2517

(D) Law enforcement agencies may use the information a 2518
sheriff makes available through the use of the law enforcement 2519
automated data system pursuant to division (H) of section 2923.125 2520
or division (B)(2) or (D) of section 2923.1213 of the Revised Code 2521
for law enforcement purposes only. The information is confidential 2522
and is not a public record. A person who releases or otherwise 2523
disseminates this information obtained through the law enforcement 2524
automated data system in a manner not described in this division 2525
is guilty of a violation of section 2913.04 of the Revised Code. 2526

(E) Whoever violates division (B) of this section is guilty 2527
of illegal release of confidential concealed handgun license 2528
records, a felony of the fifth degree. In addition to any 2529
penalties imposed under Chapter 2929. of the Revised Code for a 2530
violation of division (B) of this section or a violation of 2531
section 2913.04 of the Revised Code described in division (D) of 2532
this section, if the offender is a sheriff, an employee of a 2533
sheriff, or any other public officer or employee, and if the 2534
violation was willful and deliberate, the offender shall be 2535
subject to a civil fine of one thousand dollars. Any person who is 2536
harmed by a violation of division (B) or (C) of this section or a 2537
violation of section 2913.04 of the Revised Code described in 2538
division (D) of this section has a private cause of action against 2539
the offender for any injury, death, or loss to person or property 2540
that is approximate result of the violation and may recover court 2541
costs and attorney's fees related to the action. 2542

Sec. 2923.16. (A) No person shall knowingly discharge a 2543
firearm while in or on a motor vehicle. 2544

(B) No person shall knowingly transport or have a loaded 2545
firearm in a motor vehicle in such a manner that the firearm is 2546
accessible to the operator or any passenger without leaving the 2547

vehicle. 2548

(C) No person shall knowingly transport or have a firearm in 2549
a motor vehicle, unless it is unloaded and is carried in one of 2550
the following ways: 2551

(1) In a closed package, box, or case; 2552

(2) In a compartment that can be reached only by leaving the 2553
vehicle; 2554

(3) In plain sight and secured in a rack or holder made for 2555
the purpose; 2556

(4) In plain sight with the action open or the weapon 2557
stripped, or, if the firearm is of a type on which the action will 2558
not stay open or which cannot easily be stripped, in plain sight. 2559

(D) No person shall knowingly transport or have a loaded 2560
handgun in a motor vehicle if, at the time of that transportation 2561
or possession, any of the following applies: 2562

(1) The person is under the influence of alcohol, a drug of 2563
abuse, or a combination of them. 2564

(2) The person's whole blood, blood serum or plasma, 2565
breath, or urine contains a concentration of alcohol prohibited 2566
for persons operating a vehicle, as specified in division (A) of 2567
section 4511.19 of the Revised Code, regardless of whether the 2568
person at the time of the transportation or possession as 2569
described in this division is the operator of or a passenger in 2570
the motor vehicle. 2571

(E) No person who has been issued a license or temporary 2572
emergency license to carry a concealed handgun under section 2573
2923.125 or 2923.1213 of the Revised Code shall do any of the 2574
following: 2575

(1) Knowingly transport or have a loaded handgun in a motor 2576
vehicle unless the loaded handgun either is in a holster and in 2577

plain sight on the person's person or it is securely encased by 2578
being stored in a closed, locked glove compartment or in a case 2579
that is in plain sight and that is locked; 2580

(2) If the person is transporting or has a loaded handgun in 2581
a motor vehicle in a manner authorized under division (E)(1) of 2582
this section, knowingly remove or attempt to remove the loaded 2583
handgun from the holster, glove compartment, or case, knowingly 2584
grasp or hold the loaded handgun, or knowingly have contact with 2585
the loaded handgun by touching it with the person's hands or 2586
fingers while the motor vehicle is being operated on a street, 2587
highway, or public property unless the person removes, attempts to 2588
remove, grasps, holds, or has the contact with the loaded handgun 2589
pursuant to and in accordance with directions given by a law 2590
enforcement officer; 2591

(3) If the person **is** the driver or an occupant of a motor 2592
vehicle that is stopped as a result of a traffic stop or a stop 2593
for another law enforcement purpose and if the person is 2594
transporting or has a loaded handgun in the motor vehicle in any 2595
manner, fail to promptly inform any law enforcement officer who 2596
approaches the vehicle while stopped that the person has been 2597
issued a license or temporary emergency license to carry a 2598
concealed handgun and that the person then possesses or has a 2599
loaded handgun in the motor vehicle. 2600

(4) If the person is the driver or an occupant of a motor 2601
vehicle that is stopped as a result of a traffic stop or a stop 2602
for another law enforcement purpose and if the person is 2603
transporting or has a loaded handgun in the motor vehicle in any 2604
manner, knowingly disregard or fail to comply with any lawful 2605
order of any law enforcement officer given while the motor vehicle 2606
is stopped, knowingly fail to remain in the motor vehicle while 2607
stopped, or knowingly fail to keep the person's hands in plain 2608
sight at any time after any law enforcement officer begins 2609

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;

(5) 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, if the person is transporting or has a loaded handgun in the motor vehicle in a manner authorized under division (E)(1) of this section, and if the person is approached by any law enforcement officer while stopped, 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 in the motor vehicle at any time after the law enforcement officer begins approaching and before the law enforcement 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 law enforcement officer.

(F)(1) This section does not apply to officers, agents, or employees of this 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. This section does not apply to any person who is subject to and in compliance with the requirements of section 109.801 of the Revised Code, unless the appointing authority of the person has expressly specified that the exemption provided under this provision does not apply to the person.

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

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

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

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

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

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

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

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

(iv) In the commission of any violation of law, including, but not limited to, a felony that includes, as an essential element, purposely or knowingly causing or attempting to cause the
(3) Divisions (B) and (C) of this section do not apply to a

person if all of the following circumstances apply: 2671

(a) At the time of the alleged violation of either of those 2672
divisions, the person is the operator of or a passenger in a motor 2673
vehicle. 2674

(b) The motor vehicle is on real property that is located in 2675
an unincorporated area of a township and that either is zoned for 2676
agriculture or is used for agriculture. 2677

(c) The person owns the real property described in division 2678
(D)(3)(b) of this section, is the spouse or a child of another 2679
person who owns that real property, is a tenant of another person 2680
who owns that real property, or is the spouse or a child of a 2681
tenant of another person who owns that real property. 2682

(d) The person, prior to arriving at the real property 2683
described in division (D)(3)(b) of this section, did not transport 2684
or possess a firearm in the motor vehicle in a manner prohibited 2685
by division (B) or (C) of this section while the motor vehicle was 2686
being operated on a street, highway, or other public or private 2687
property used by the public for vehicular traffic or parking. 2688

(4) Divisions (B) and (C) of this section do not apply to a 2689
person who transports or possesses a handgun in a motor vehicle 2690
if, at the time of that transportation or possession, all of the 2691
following apply: 2692

(a) The person transporting or possessing the handgun is 2693
carrying a valid license or temporary emergency license to carry a 2694
concealed handgun issued to the person under section 2923.125 or 2695
2923.1213 of the Revised Code or a license to carry a concealed 2696
handgun that was issued by another state with which the attorney 2697
general has entered into a reciprocity agreement under section 2698
109.69 of the Revised Code. 2699

(b) The person transporting or possessing the handgun is not 2700

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knowingly in a place described in division (B) of section 2923.126
2701 of the Revised Code.

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(c) Either the handgun is in a holster and in plain sight on 2703
the person's person or the handgun is securely encased by being 2704
stored in a closed, locked glove compartment or in a case that is 2705
in plain sight and that is locked. 2706

(5) For purposes of divisions (B), (C), (D), and (E) of this 2707
section, all of the following apply: 2708

(a) A firearm is not "loaded" unless there is live ammunition 2709
actually in the firearm. If there is no live ammunition actually 2710
in the firearm, the presence near the firearm of ammunition for 2711
the firearm does not make the firearm "loaded" for purposes of 2712
those divisions, even if the ammunition is accessible or ready at 2713
hand to the operator or any passenger in the motor vehicle. 2714

(b) With respect to a firearm employing a percussion cap, 2715
flintlock, or other obsolete ignition system, in addition to the 2716
circumstances described in division (F)(5)(a) of this section, the 2717
firearm is "unloaded" when the weapon is uncapped or when the 2718
priming charge is removed from the pan. 2719

(G)(1) The affirmative defenses authorized in divisions 2720
(D)(1) and (2) of section 2923.12 of the Revised Code are 2721
affirmative defenses to a charge under division (B) or (C) of this 2722
section that involves a firearm other than a handgun. 2723

(2) It is an affirmative defense to a charge under division 2724
(B) or (C) of this section of improperly handling firearms in a 2725
motor vehicle that the actor transported or had the firearm in the 2726
motor vehicle for any lawful purpose and while the motor vehicle 2727
was on the actor's own property, provided that this affirmative 2728
defense is not available unless the person, prior to arriving at 2729
the actor's own property, did not transport or possess the firearm 2730
in a motor vehicle in a manner prohibited by division (B) or (C) 2731

of this section while the motor vehicle was being operated on a 2732
street, highway, or other public or private property used by the 2733
public for vehicular traffic. 2734

(3) It is an affirmative defense to a charge under division 2735
(A) of this section that the actor discharged the firearm in 2736
self-defense. 2737

(H) No person who is charged with a violation of division 2738
(B), (C), or (D) of this section shall be required to obtain a 2739
license or temporary emergency license to carry a concealed 2740
handgun under section 2923.125 or 2923.1213 of the Revised Code as 2741
a condition for the dismissal of the charge. 2742

(I) Whoever violates this section is guilty of improperly 2743
handling firearms in a motor vehicle. Violation of division (A) of 2744
this section is a felony of the fourth degree. Violation of 2745
division (C) of this section is a misdemeanor of the fourth 2746
degree. A violation of division (D) of this section is a felony of 2747
the fifth degree. A violation of division (E)(3) of this section 2748
is a misdemeanor of the fourth degree. A violation of division (E) 2749
(1) , (2), or (5) of this section is a felony of the fifth degree. 2750
A violation of division (E)(4) of this section is a misdemeanor of 2751
the first degree or, **if** the offender previously has been convicted 2752
of or pleaded guilty to a violation of division (E)(4) of this 2753
section, a felony of the fifth degree. A violation of division (B) 2754
of this section is whichever of the following is applicable: 2755

(1) If, at the time of the transportation or possession in 2756
violation of division (B) of this section, the offender was 2757
carrying a valid license or temporary emergency license to carry a 2758
concealed handgun issued to the offender under section 2923.125 or 2759
2923.1213 of the Revised Code or a license to carry a concealed 2760
handgun that was issued by another state with which the attorney 2761
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general has entered into a reciprocity agreement under section 2763
109.69 of the Revised Code and the offender was not knowingly in a 2764
place described in division (B) of section 2923.126 of the Revised 2765
Code, the violation is a misdemeanor of the first degree or, if 2766
the offender previously has been convicted of or pleaded guilty to 2767
a violation of division (B) of this section, a felony of the 2768
fourth degree. 2769

(2) If division (I)(1) of this section does not apply, a 2770
felony of the fourth degree. 2771

(J) If a law enforcement officer stops a motor vehicle for a 2772
traffic stop or any other purpose, if any person in the motor 2773
vehicle surrenders a firearm to the officer, either voluntarily or 2774
pursuant to a request or demand of the officer, and if the officer 2775
does not charge the person with a violation of this section or 2776
arrest the person for any offense, the person is not otherwise 2777
prohibited by law from possessing the firearm, and the firearm is 2778
not contraband, the officer shall return the firearm to the person 2779
at the termination of the stop. 2780

(K) As used in this section: 2781

(1) "Motor vehicle," "street," and "highway" have the same 2782
meanings as in section 4511.01 of the Revised Code. 2783

(2) "Occupied structure" has the same meaning as in 2784
section 2909.01 of the Revised Code. 2785

(3) "Agriculture" has the same meaning as in section 2786
519.01 of the Revised Code. 2787

(4) "Tenant" has the same meaning as in section 1531.01 of 2788
the Revised Code. 2789

(5) "Unloaded" means, with rc3pcct to a firearm employing a 2790
the _____ weapon _____ i3 uncapped or when the 2791
2792

the pan.

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Section 2. That existing sections 109.71, 109.731, 109.801,
311.41, 311.42, 1547.69, 2921.13, 2923.12, 2923.121, 2923.122,
2923.123, 2923.125, 2923.126, 2923.127, 2923.128, 2923.129,
2923.1210, 2923.1213, and 2923.16 and section 109.542 of the
Revised Code are hereby repealed.

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