

Executive Summary of Amendment HC 10

Note: please note that line numbers may not correspond exactly, as this summary is based on an earlier summary prepared by Ken Hanson, Buckeye Firearms Association.

1. R.C. 2923.12 is amended so it does not apply to a firearm in a motor vehicle so long as the firearm is not on the actor's person. Multiple court decisions have held that a person may be charged under either 2923.12 or 2923.16 for a firearm transported in a car; this amendment specifies that 2923.16 and only 2923.16 is to control transportation of unloaded firearms in a car. (lines 63-66, lines 99-103)
2. 2923.12 is amended so it does not apply to a gun in a person's own home so long as the person is not engaged in unlawful conduct. H.B. 12 opened the door for charging people for having a concealed firearm in their own home unless they had a license. (lines 67-69, lines 104-115)
3. 2923.12 is amended to clarify that 2923.121 is the sole section regulating firearms in liquor permit establishments. (lines 133-135) Current law provides two different sections regulating firearms in a liquor permit establishment, with two different penalties. 2923.121 is amended to reflect the higher penalty so there is no net reduction in degree of felony charged, just a clarification that one statute controls. (lines 318-324)
4. 2923.12 is amended to provide for a lesser degree of offense for failing to notify a law enforcement officer of licensed status during a law enforcement encounter if the actor can establish that the law enforcement officer or the dispatcher had actual notice of the actor's licensed status prior to the encounter. (lines 197-206, lines 12999-1308, lines 2217-2227)
5. 2923.12 is amended to provide for mandatory attorney fees for a person who successfully pursues court action to obtain return of a firearm seized by law enforcement. (lines 227-232, lines 2262-2267)
6. 2923.121 is amended so that it does not apply to the holder of the liquor permit on his premises, provided he has a CHL, and does not apply to his employees or agents who are special duty police. (lines 252-266)
7. 2923.121 is amended to reflect that a CHL who is not consuming and not under the influence of alcohol may carry in retail or grocery facilities like Kroger, Giant Eagle and CVS by specifying D6 and D8 retail establishments (non-bars) are allowed. The "strict consumption" definition was avoided because at certain times taste testing can occur at a grocery, for instance. (line 234, lines 267-278)
8. 2923.125 is amended to specify that a sheriff shall not consider a sealed or expunged conviction in the background check of an applicant for a concealed handgun license or emergency license. (lines 721-738, lines 1388-1409, lines 1893-1909) The application form is clarified to reflect this change in law by amending 2923.1210. (lines 1604-1614)

9. 2923.125 is amended to remove the requirement for a written test for a competency renewal and instead just a physical demonstration with the firearm is all that is required. (lines 854-858, lines 870-874)
10. 2923.126(B) is amended to reflect the changes to 2923.121 and 2923.122 discussed above. (lines 985-986, lines 991-994.)
11. 2923.1212 clarifies that the governmental facilities etc must post signs. (lines 1743-1752)
12. 2923.126(B) is amended in the governmental building category to exempt shelters, restrooms and parking garages from the definition (lines 1018-1026) and governmental building is defined in harmony with the federal law definition. BMV Deputy Registrars are specifically covered by the definition. (lines 1224-1234)
13. 2923.126(C) is amended to reflect that the criminal trespass provision does not apply to land that is a parking lot or parking facility and the owner of the property instead retains a cause of action for civil trespass. (lines 1072-1077)
14. 2923.126(C) is amended to reflect someone may not be evicted from an apartment for lawfully owning and carrying a firearm (lines 1078-1083) and landlord, tenant and residence are defined. (lines 1086-1092)
15. 2923.126(F) is amended to delete the requirement that the officer has a non-forfeitable right to retirement benefits. (lines 1145-46)
16. 2923.16 is amended to allow a licensee to carry a loaded handgun in an unlocked glove compartment or center console as long as the console or glove compartment are closed. (lines 2026, lines 2183)
17. 2923.16 is amended to specify that with regard to unlicensed transportation, unloaded means no ammunition in the firearm without regard to where else ammunition might be located in the vehicle, so long as there is no ammunition (for the gun transported) in a magazine or speed loader anywhere in the car. (lines 2278-2282)
18. 2929.14 is amended to specify that gun specifications may not be imposed on violations of 2923.12, 2923.121, 2923.122 and 2923.16 (these enumerated crimes already punish the possession of the firearm as the animus and res of the underlying offense.) Note: the effect of the drafting of this gun spec portion of the amendment is to remove the OPAA "gun spec stacking" provision that was passed by the Senate, and this was done at the request of the governor's office. Separate negotiations are ongoing between the Speaker and the Governor's office over a compromise to reinsert some form of the OPAA "gun spec stacking" provision. DRAFTING CAUTION: Care should be taken to insure any compromise amendment on the OPAA language preserves the fixes discussed above. (lines 2409-2413)

19. 5502.371 is created to establish the “Katrina” emergency powers provision to prohibit law enforcement from seizing lawfully carried or owned firearms during period of emergency. (lines 2875-2879)

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