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**Representatives Aslanides, Buehrer, Latta, Webster, Garrison, Hagan,
Reidelbach, Schneider, Raga, Faber, Schlichter, Stewart, J., Seaver,
Evans, D., Setzer, Carano, Gibbs, Willamowski, Patton, T., Reinhard, Allen,
Raussen, Fessler, Bubp, Daniels, Uecker, Hoops, McGregor, J., Seitz, Law,
Peterson, Hood, Cassell, Collier, Schaffer, Domenick, Combs, Taylor,
Blasdel, Oelslager, White, Carmichael, Flowers, Gilb, Distel, Wagoner,
Blessing, Book, Brinkman, Calvert, Coley, Core, DeWine, Evans, C., Hartnett,
Martin, McGregor, R., Redfern, Sayre, Wolpert, Yuko
Senators Clancy, Grendell, Amstutz, Austria, Cates, Harris, Hottinger,
Jordan, Mumper, Niehaus, Padgett, Schuring, Wachtmann, Carey**

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A B I L L

To amend sections 109.71, 109.731, 109.801, 311.41, 1
1547.69, 2903.11, 2903.12, 2903.13, 2913.01, 2
2913.02, 2923.12, 2923.121, 2923.122, 2923.123, 3
2923.124, 2923.125, 2923.126, 2923.127, 2923.128, 4
2923.1210, 2923.1213, and 2923.16 and to enact 5
section 9.68 of the Revised Code to revise the 6
laws regarding licenses to carry a concealed 7
handgun, the issuance of such licenses, and the 8
authority to carry a concealed handgun under such 9
a license; to provide exemptions from certain 10
carrying of firearms-related offenses for persons 11
in compliance with the Ohio Peace Officer Training 12
Commission's firearms requalification program and 13
revise the list of persons who must comply with 14
that program; to include Bureau of Criminal 15

Identification and Investigation investigators as 16
"peace officers" for certain purposes; to increase 17
to a felony of the first degree the penalty for 18
theft of a firearm or dangerous ordnance from a 19
federally licensed firearms dealer; to expand the 20
restrictions imposed upon persons issued a license 21
to carry a concealed handgun who are carrying a 22
concealed handgun and are stopped for a law 23
enforcement purpose; to revise the penalty for the 24
offenses of carrying concealed weapons and 25
improperly handling firearms in a motor vehicle 26
when committed in certain circumstances; to 27
provide that retired peace officers who satisfy 28
certain specified criteria, including firearms 29
requalification within the preceding year, have 30
the same right to carry a concealed handgun as 31
persons issued a license to carry a concealed 32
handgun and are subject to the same restrictions 33
that apply to persons who carry such a license; to 34
revise the manners in which persons issued a 35
license to carry a concealed handgun may lawfully 36
have a loaded handgun in a motor vehicle; to 37
impose notification duties upon persons issued a 38
license to carry a concealed handgun when in a 39
commercial motor vehicle approached by an employee 40
of the State Highway Patrol's Motor Carrier 41
Enforcement Unit; to provide an increased penalty 42
for felonious assault, aggravated assault, or 43
assault committed against a Bureau of Criminal 44
Identification and Investigation investigator; and 45
to identify the right of any person, except as 46
provided in the U.S. or Ohio Constitution, federal 47
law, or Revised Code, to own, possess, purchase, 48

sell, transfer, transport, store, or keep a 49
firearm, part of a firearm, firearm component, or 50
ammunition. 51

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

Section 1. That sections 109.71, 109.731, 109.801, 311.41, 52
1547.69, 2903.11, 2903.12, 2903.13, 2913.01, 2913.02, 2923.12, 53
2923.121, 2923.122, 2923.123, 2923.124, 2923.125, 2923.126, 54
2923.127, 2923.128, 2923.1210, 2923.1213, and 2923.16 be amended 55
and section 9.68 of the Revised Code be enacted to read as 56
follows: 57

Sec. 9.68. (A) The individual right to keep and bear arms, 58
being a fundamental individual right that predates the United 59
States Constitution and Ohio Constitution, and being a 60
constitutionally protected right in every part of Ohio, the 61
general assembly finds the need to provide uniform laws throughout 62
the state regulating the ownership, possession, purchase, other 63
acquisition, transport, storage, carrying, sale, or other transfer 64
of firearms, their components, and their ammunition. Except as 65
specifically provided by the United States Constitution, Ohio 66
Constitution, state law, or federal law, a person, without further 67
license, permission, restriction, delay, or process, may own, 68
possess, purchase, sell, transfer, transport, store, or keep any 69
firearm, part of a firearm, its components, and its ammunition. 70

(B) In addition to any other relief provided, the court shall 71
award costs and reasonable attorney fees to any person, group, or 72
entity that prevails in a challenge to an ordinance, rule, or 73
regulation as being in conflict with this section. 74

(C) As used in this section: 75

(1) The possession, transporting, or carrying of firearms, 76

their components, or their ammunition include, but are not limited
to, the possession, transporting, or carrying, openly or concealed
on a person's person or concealed ready at hand, of firearms,
their components, or their ammunition.

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

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(D) This section does not apply to either of the following:

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(1) A zoning ordinance that regulates or prohibits the
commercial sale of firearms, firearm components, or ammunition for
firearms in areas zoned for residential or agricultural uses;

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(2) A zoning ordinance that specifies the hours of operation
or the geographic areas where the commercial sale of firearms,
firearm components, or ammunition for firearms may occur, provided
that the zoning ordinance is consistent with zoning ordinances for
other retail establishments in the same geographic area and does
not result in a de facto prohibition of the commercial sale of
firearms, firearm components, or ammunition for firearms in areas
zoned for commercial, retail, or industrial uses.

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

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This section does not confer any arrest authority or any 107
ability or authority to detain a person, write or issue any 108
citation, or provide any disposition alternative, as granted under 109
Chapter 2935. of the Revised Code. 110

As used in sections 109.71 to ~~109.77~~ 109.801 of the Revised 111
Code: 112

(A) "Peace officer" means: 113

(1) A deputy sheriff, marshal, deputy marshal, member of the 114
organized police department of a township or municipal 115
corporation, member of a township police district or joint 116
township police district police force, member of a police force 117
employed by a metropolitan housing authority under division (D) of 118
section 3735.31 of the Revised Code, or township constable, who is 119
commissioned and employed as a peace officer by a political 120
subdivision of this state or by a metropolitan housing authority, 121
and whose primary duties are to preserve the peace, to protect 122
life and property, and to enforce the laws of this state, 123
ordinances of a municipal corporation, resolutions of a township, 124
or regulations of a board of county commissioners or board of 125
township trustees, or any of those laws, ordinances, resolutions, 126
or regulations; 127

(2) A police officer who is employed by a railroad company 128
and appointed and commissioned by the secretary of state pursuant 129
to sections 4973.17 to 4973.22 of the Revised Code; 130

(3) Employees of the department of taxation engaged in the 131
enforcement of Chapter 5743. of the Revised Code and designated by 132
the tax commissioner for peace officer training for purposes of 133
the delegation of investigation powers under section 5743.45 of 134
the Revised Code; 135

(4) An undercover drug agent; 136

(5) Enforcement agents of the department of public safety	137
whom the director of public safety designates under section	138
5502.14 of the Revised Code;	139
(6) An employee of the department of natural resources who is	140
a natural resources law enforcement staff officer designated	141
pursuant to section 1501.013, a park officer designated pursuant	142
to section 1541.10, a forest officer designated pursuant to	143
section 1503.29, a preserve officer designated pursuant to section	144
1517.10, a wildlife officer designated pursuant to section	145
1531.13, or a state watercraft officer designated pursuant to	146
section 1547.521 of the Revised Code;	147
(7) An employee of a park district who is designated pursuant	148
to section 511.232 or 1545.13 of the Revised Code;	149
(8) An employee of a conservancy district who is designated	150
pursuant to section 6101.75 of the Revised Code;	151
(9) A police officer who is employed by a hospital that	152
employs and maintains its own proprietary police department or	153
security department, and who is appointed and commissioned by the	154
secretary of state pursuant to sections 4973.17 to 4973.22 of the	155
Revised Code;	156
(10) Veterans' homes police officers designated under section	157
5907.02 of the Revised Code;	158
(11) A police officer who is employed by a qualified	159
nonprofit corporation police department pursuant to section	160
1702.80 of the Revised Code;	161
(12) A state university law enforcement officer appointed	162
under section 3345.04 of the Revised Code or a person serving as a	163
state university law enforcement officer on a permanent basis on	164
June 19, 1978, who has been awarded a certificate by the executive	165
director of the Ohio peace officer training commission attesting	166

to the person's satisfactory completion of an approved state,
county, municipal, or department of natural resources peace
officer basic training program;

(13) A special police officer employed by the department of
mental health pursuant to section 5119.14 of the Revised Code or
the department of mental retardation and developmental
disabilities pursuant to section 5123.13 of the Revised Code;

(14) A member of a campus police department appointed under
section 1713.50 of the Revised Code;

(15) A member of a police force employed by a regional
transit authority under division (Y) of section 306.35 of the
Revised Code;

(16) Investigators appointed by the auditor of state pursuant
to section 117.091 of the Revised Code and engaged in the
enforcement of Chapter 117. of the Revised Code;

(17) A special police officer designated by the
superintendent of the state highway patrol pursuant to section
5503.09 of the Revised Code or a person who was serving as a
special police officer pursuant to that section on a permanent
basis on October 21, 1997, and who has been awarded a certificate
by the executive director of the Ohio peace officer training
commission attesting to the person's satisfactory completion of an
approved state, county, municipal, or department of natural
resources peace officer basic training program;

(18) A special police officer employed by a port authority
under section 4582.04 or 4582.28 of the Revised Code or a person
serving as a special police officer employed by a port authority
on a permanent basis on May 17, 2000, who has been awarded a
certificate by the executive director of the Ohio peace officer
training commission attesting to the person's satisfactory
completion of an approved state, county, municipal, or department

of natural resources peace officer basic training program;	198
(19) A special police officer employed by a municipal corporation who has been awarded a certificate by the executive director of the Ohio peace officer training commission for satisfactory completion of an approved peace officer basic training program and who is employed on a permanent basis on or after March 19, 2003, at a municipal airport, or other municipal air navigation facility, that has scheduled operations, as defined in section 119.3 of Title 14 of the Code of Federal Regulations, 14 C.F.R. 119.3, as amended, and that is required to be under a security program and is governed by aviation security rules of the transportation security administration of the United States department of transportation as provided in Parts 1542. and 1544. of Title 49 of the Code of Federal Regulations, as amended;	199 200 201 202 203 204 205 206 207 208 209 210 211
(20) A police officer who is employed by an owner or operator of an amusement park that has an average yearly attendance in excess of six hundred thousand guests and that employs and maintains its own proprietary police department or security department, and who is appointed and commissioned by a judge of the appropriate municipal court or county court pursuant to section 4973.17 of the Revised Code;	212 213 214 215 216 217 218
(21) A police officer who is employed by a bank; savings and loan association; savings bank; credit union; or association of banks, savings and loan associations, savings banks, or credit unions and appointed and commissioned by the secretary of state pursuant to sections 4973.17 to 4973.22 of the Revised Code;	219 220 221 222 223
<u>(22) An investigator, as defined in section 109.541 of the Revised Code, of the bureau of criminal identification and investigation who is commissioned by the superintendent of the bureau as a special agent for the purpose of assisting law enforcement officers or providing emergency assistance to peace</u>	224 225 226 227 228

<u>officers pursuant to authority granted under that section.</u>	229
(B) "Undercover drug agent" has the same meaning as in	230
division (B)(2) of section 109.79 of the Revised Code.	231
(C) "Crisis intervention training" means training in the use	232
of interpersonal and communication skills to most effectively and	233
sensitively interview victims of rape.	234
(D) "Missing children" has the same meaning as in section	235
2901.30 of the Revised Code.	236
Sec. 109.731. (A) The Ohio peace officer training commission	237
shall prescribe, and shall make available to sheriffs, all of the	238
following:	239
(1) An application form that is to be used under section	240
2923.125 of the Revised Code by a person who applies for a license	241
to carry a concealed handgun or for the renewal of a license of	242
that nature and that conforms substantially to the form prescribed	243
in section 2923.1210 of the Revised Code;	244
(2) A form for the license to carry a concealed handgun that	245
is to be issued by sheriffs to persons who qualify for a license	246
to carry a concealed handgun under section 2923.125 of the Revised	247
Code and that conforms to the following requirements:	248
(a) It has space for the licensee's full name, residence	249
address, and date of birth and for a color photograph of the	250
licensee.	251
(b) It has space for the date of issuance of the license, its	252
expiration date, its county of issuance, the name of the sheriff	253
who issues the license, and the unique combination of letters and	254
numbers that identify the county of issuance and the license given	255
to the licensee by the sheriff in accordance with division (A)(4)	256
of this section.	257

(c) It has space for the signature of the licensee and the signature or a facsimile signature of the sheriff who issues the license.

(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.

(3) A series of three-letter county codes that identify each county in this state;

(4) A procedure by which a sheriff shall give each license, replacement license, or renewal license to carry a concealed handgun and each temporary emergency license or replacement temporary emergency license to carry a concealed handgun the sheriff issues under section 2923.125 or 2923.1213 of the Revised Code a unique combination of letters and numbers that identifies the county in which the license or temporary emergency license was issued and that uses the county code and a unique number for each license and each temporary emergency license the sheriff of that county issues;

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

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

(a) Explains the firearms laws of this state;	289
(b) Instructs the reader in dispute resolution and explains the laws of this state related to that matter;	290 291
(c) Provides information to the reader regarding all aspects of the use of deadly force with a firearm, including, but not limited to, the steps that should be taken before contemplating the use of, or using, deadly force with a firearm, possible alternatives to using deadly force with a firearm, and the law governing the use of deadly force with a firearm.	292 293 294 295 296 297
(2) The attorney general shall consult with and assist the commission in the preparation of the pamphlet described in 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.	298 299 300 301 302 303 304 305 306 307 308 309 310 311
(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:	312 313 314 315 316
(a) For an applicant who has been a resident of this state for five or more years, an amount that does not exceed the lesser of the actual cost of issuing the license, including, but not	317 318 319

limited to, the cost of conducting ~~the~~ a criminal records check, 320
or whichever of the following is applicable: 321

(i) For an application made on or after the effective date of 322
this amendment, fifty-five dollars; 323

(ii) For an application made prior to the effective date of 324
this amendment, forty-five dollars; 325

(b) For an applicant who has been a resident of this state 326
for less than five years, an amount that shall consist of the 327
actual cost of having a criminal background check performed by the 328
federal bureau of investigation, if one is so performed, plus the 329
lesser of the actual cost of issuing the license, including, but 330
not limited to, the cost of conducting ~~the~~ a criminal records 331
check, or whichever of the following is applicable: 332

(i) For an application made on or after the effective date of 333
this amendment, fifty-five dollars; 334

(ii) For an application made prior to the effective date of 335
this amendment, forty-five dollars. 336

(2) The commission, in consultation with the attorney 337
general, shall specify the portion of the fee prescribed under 338
division (C)(1) of this section that will be used to pay each 339
particular cost of the issuance of the license. The sheriff shall 340
deposit all fees paid by an applicant under section 2923.125 of 341
the Revised Code into the sheriff's concealed handgun license 342
issuance expense fund established pursuant to section 311.42 of 343
the Revised Code. 344

(D) The Ohio peace officer training commission shall maintain 345
statistics with respect to the issuance, renewal, suspension, 346
revocation, and denial of licenses to carry a concealed handgun 347
and the suspension of processing of applications for those 348
licenses, and with respect to the issuance, suspension, 349

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revocation, and denial of temporary emergency licenses to carry a
concealed handgun, as reported by the sheriffs pursuant to
division (C) of section 2923.129 of the Revised Code. Not later
than the first day of March in each year, the commission shall
submit a statistical report to the governor, the president of the
senate, and the speaker of the house of representatives indicating
the number of licenses to carry a concealed handgun that were
issued, renewed, suspended, revoked, and denied in the previous
calendar year, the number of applications for those licenses for
which processing was suspended in accordance with division (D)(3)
of section 2923.125 of the Revised Code in the previous calendar
year, and the number of temporary emergency licenses to carry a
concealed handgun that were issued, suspended, revoked, or denied
in the previous calendar year. Nothing in the statistics or the
statistical report shall identify, or enable the identification
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.

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

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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, deputy sheriff, marshal,
deputy marshal, township constable, chief of police or member of
an organized police department of a municipal corporation or

township, chief of police ~~or member~~ of a township police district 381
police force, superintendent of the state highway patrol, state 382
highway patrol trooper, ~~special police officer of the state~~ 383
~~highway patrol designated under section 5503.09 of the Revised~~ 384
~~Code, enforcement agent employed under section 5502.14 of the~~ 385
~~Revised Code,~~ or chief of police of a university or college police 386
department ~~or state university law enforcement officer appointed~~ 387
~~under section 3345.04 of the Revised Code;~~ any parole or probation 388
officer who carries a firearm in the course of official duties; 389
~~any employee of the department of natural resources who is a~~ 390
~~natural resources law enforcement staff officer, park officer,~~ 391
~~forest officer, preserve officer, wildlife officer, or state~~ 392
~~watercraft officer who carries a firearm in the course of official~~ 393
~~duties;~~ the house of representatives sergeant at arms if the house 394
of representatives sergeant at arms has arrest authority pursuant 395
to division (E)(1) of section 101.311 of the Revised Code; any 396
assistant house of representatives sergeant at arms; or any 397
employee of the department of youth services who is designated 398
pursuant to division (A)(2) of section 5139.53 of the Revised Code 399
as being authorized to carry a firearm while on duty as described 400
in that division; ~~or a special police officer employed by a~~ 401
~~municipal corporation at a municipal airport or other municipal~~ 402
~~air navigation facility described in division (A)(19) of section~~ 403
~~109.71 of the Revised Code.~~ 404

(2) No person listed in division (A)(1) of this section shall 405
carry a firearm during the course of official duties if the person 406
does not comply with division (A)(1) of this section. 407

(B) The hours that a sheriff spends attending a firearms 408
regualification program required by division (A) of this section 409
are in addition to the sixteen hours of continuing education that 410
are required by division (E) of section 311.01 of the Revised 411
Code. 412

(C) As used in this section, "firearm" has the same meaning 413
as in section 2923.11 of the Revised Code. 414

Sec. 311.41. (A)(1) Upon receipt of an application for a 415
license to carry a concealed handgun under division (C) of section 416
2923.125 of the Revised Code, an application to renew a license to 417
carry a concealed handgun under division (F) of that section, or 418
an application for a temporary emergency license to carry a 419
concealed handgun under section 2923.1213 of the Revised Code, the 420
sheriff shall conduct a criminal records check and an incompetency 421
check of the applicant to determine whether the applicant fails to 422
meet the criteria described in division (D)(1) of section 2923.125 423
of the Revised Code. The sheriff shall conduct the criminal 424
records check and the incompetency records check required by this 425
division through use of an electronic fingerprint reading device 426
or, if the sheriff does not possess and does not have ready access 427
to the use of an electronic fingerprint reading device, by 428
requesting the bureau of criminal identification and investigation 429
to conduct the checks as described in this division. ~~In~~ 430

In order to conduct the criminal records check and the 431
incompetency records check, the sheriff shall obtain the 432
fingerprints of ~~not more than~~ at least four fingers of the 433
applicant by using an electronic fingerprint reading device for 434
the purpose of conducting the criminal records check and the 435
incompetency records check or, if the sheriff does not possess and 436
does not have ready access to the use of an electronic fingerprint 437
reading device, shall obtain from the applicant a completed 438
standard fingerprint impression sheet prescribed pursuant to 439
division (C)(2) of section 109.572 of the Revised Code. The 440
fingerprints so obtained, along with the applicant's social 441
security number, shall be used to conduct the criminal records 442
check and the incompetency records check. If the sheriff does not 443

use an electronic fingerprint reading device to obtain the 444
fingerprints and conduct the records checks, the sheriff shall 445
submit the completed standard fingerprint impression sheet of the 446
applicant, along with the applicant's social security number, to 447
the superintendent of the bureau of criminal identification and 448
investigation and shall request the bureau to conduct the criminal 449
records check and the incompetency records check of the applicant 450
and, if necessary, shall request the superintendent of the bureau 451
to obtain information from the federal bureau of investigation as 452
part of the criminal records check for the applicant. If it is not 453
possible to use an electronic fingerprint reading device to 454
conduct an incompetency records check, the sheriff shall submit 455
the completed standard fingerprint impression sheet of the 456
applicant, along with the applicant's social security number, to 457
the superintendent of the bureau of criminal identification and 458
investigation and shall request the bureau to conduct the 459
incompetency records check. The sheriff shall not retain the 460
applicant's fingerprints as part of the application. 461

(2) Except as otherwise provided in this division, if at any 462
time the applicant decides not to continue with the application 463
process, the sheriff immediately shall cease any investigation 464
that is being conducted under division (A)(1) of this section. The 465
sheriff shall not cease that investigation if, at the time of the 466
applicant's decision not to continue with the application process, 467
the sheriff had determined from any of the sheriff's 468
investigations that the applicant then was engaged in activity of 469
a criminal nature. 470

(B) If a criminal records check and an incompetency records 471
check conducted under division (A) of this section do not indicate 472
that the applicant fails to meet the criteria described in 473
division (D)(1) of section 2923.125 of the Revised Code, except as 474
otherwise provided in this division, the sheriff shall destroy or 475

cause a designated employee 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 and incompetency records check within twenty days after conducting the criminal records check and incompetency records check. If an applicant appeals a denial of an application as described in division (D) (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.

(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 508
of the source designated by the chief operating officer of the 509
source to destroy records under that division shall fail to 510
destroy or cause to be destroyed within the applicable twenty-day 511
period specified in that division all records other than the 512
application for a license to carry a concealed handgun, the 513
application to renew a license to carry a concealed handgun, or 514
the affidavit submitted regarding an application for a temporary 515
emergency license to carry a concealed handgun made in connection 516
with the particular criminal records check or incompetency records 517
check. 518

(D) Whoever violates division (C) of this section is guilty 519
of failure to destroy records, a misdemeanor of the second degree. 520

(E) As used in this section, "handgun" has the same meaning 521
as in section 2923.11 of the Revised Code. 522

Sec. 1547.69. (A) As used in this section: 523

(1) "Firearm" and "handgun" have the same meanings as in 524
section 2923.11 of the Revised Code. 525

(2) "Unloaded" has the same meaning as in section 2923.16 of 526
the Revised Code. 527

(B) No person shall knowingly discharge a firearm while in or 528
on a vessel. 529

(C) No person shall knowingly transport or have a loaded 530
firearm in a vessel in a manner that the firearm is accessible to 531
the operator or any passenger. 532

(D) No person shall knowingly transport or have a firearm in 533
a vessel unless it is unloaded and is carried in one of the 534
following ways: 535

(1) In a closed package, box, or case; 536

(2) In plain sight with the action opened or the weapon 537
stripped, or, if the firearm is of a type on which the action will 538
not stay open or that cannot easily be stripped, in plain sight. 539

(E)(1) The affirmative defenses authorized in divisions 540
(D)(1) and (2) of section 2923.12 of the Revised Code are 541
affirmative defenses to a charge under division (C) or (D) of this 542
section that involves a firearm other than a handgun. It is an 543
affirmative defense to a charge under division (C) or (D) of this 544
section of transporting or having a firearm of any type, including 545
a handgun, in a vessel that the actor transported or had the 546
firearm in the vessel for any lawful purpose and while the vessel 547
was on the actor's own property, provided that this affirmative 548
defense is not available unless the actor, prior to arriving at 549
the vessel on the actor's own property, did not transport or 550
possess the firearm in the vessel or in a motor vehicle in a 551
manner prohibited by this section or division (B) or (C) of 552
section 2923.16 of the Revised Code while the vessel was being 553
operated on a waterway that was not on the actor's own property or 554
while the motor vehicle was being operated on a street, highway, 555
or other public or private property used by the public for 556
vehicular traffic. 557

(2) No person who is charged with a violation of division (C) 558
or (D) of this section shall be required to obtain a license or 559
temporary emergency license to carry a concealed handgun under 560
section 2923.125 or 2923.1213 of the Revised Code as a condition 561
for the dismissal of the charge. 562

(F) Divisions (B), (C), and (D) of this section do not apply 563
to the possession or discharge of a United States coast guard 564
approved signaling device required to be carried aboard a vessel 565
under section 1547.251 of the Revised Code when the signaling 566
device is possessed or used for the purpose of giving a visual 567
distress signal. No person shall knowingly transport or possess 568

any signaling device of that nature in or on a vessel in a loaded
condition at any time other than immediately prior to the
discharge of the signaling device for the purpose of giving a
visual distress signal.

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

(H)(1) This section does not apply to ~~officers~~ any of the
following:

(a) An officer, agents agent, or employees employee of this
or any other state or of the United States, or to a law
enforcement ~~officers~~ officer, when authorized to carry or have
loaded or accessible firearms in a vessel and acting within the
scope of ~~their~~ the officer's, agent's, or employee's duties, ~~and~~
~~this section does not apply to persons;~~

(b) Any person who is employed in this state, who is
authorized to carry or have loaded or accessible firearms in a
vessel, and 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 in division (H)(1)(b) of this section does
not apply to the person;

(c) Any person legally engaged in hunting. ~~Divisions~~

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

Sec. 2903.11. (A) No person shall knowingly do either of the following:

(1) Cause serious physical harm to another or to another's unborn;

(2) Cause or attempt to cause physical harm to another or to another's unborn by means of a deadly weapon or dangerous ordnance.

(B) No person, with knowledge that the person has tested positive as a carrier of a virus that causes acquired immunodeficiency syndrome, shall knowingly do any of the following:

(1) Engage in sexual conduct with another person without disclosing that knowledge to the other person prior to engaging in the sexual conduct;

(2) Engage in sexual conduct with a person whom the offender knows or has reasonable cause to believe lacks the mental capacity to appreciate the significance of the knowledge that the offender has tested positive as a carrier of a virus that causes acquired immunodeficiency syndrome;

(3) Engage in sexual conduct with a person under eighteen 630
years of age who is not the spouse of the offender. 631

(C) The prosecution of a person under this section does not 632
preclude prosecution of that person under section 2907.02 of the 633
Revised Code. 634

(D) Whoever violates this section is guilty of felonious 635
assault, a felony of the second degree. If the victim of a 636
violation of division (A) of this section is a peace officer or an 637
investigator of the bureau of criminal identification and 638
investigation, felonious assault is a felony of the first degree. 639
If the victim of the offense is a peace officer, ~~as defined in~~ 640
~~section 2935.01 of the Revised Code~~ or an investigator of the 641
bureau of criminal identification and investigation, and if the 642
victim suffered serious physical harm as a result of the 643
commission of the offense, felonious assault is a felony of the 644
first degree, and the court, pursuant to division (F) of section 645
2929.13 of the Revised Code, shall impose as a mandatory prison 646
term one of the prison terms prescribed for a felony of the first 647
degree. 648

(E) As used in this section: 649

(1) "Deadly weapon" and "dangerous ordnance" have the same 650
meanings as in section 2923.11 of the Revised Code. 651

(2) "Peace officer" has the same meaning as in section 652
2935.01 of the Revised Code. 653

(3) "Sexual conduct" has the same meaning as in section 654
2907.01 of the Revised Code, except that, as used in this section, 655
it does not include the insertion of an instrument, apparatus, or 656
other object that is not a part of the body into the vaginal or 657
anal opening of another, unless the offender knew at the time of 658
the insertion that the instrument, apparatus, or other object 659
carried the offender's bodily fluid. 660

(4) "Investigator of the bureau of criminal identification and investigation" means an investigator of the bureau of criminal identification and investigation who is commissioned by the superintendent of the bureau as a special agent for the purpose of assisting law enforcement officers or providing emergency assistance to peace officers pursuant to authority granted under section 109.541 of the Revised Code.

(5) "Investigator" has the same meaning as in section 109.541 of the Revised Code.

Sec. 2903.12. (A) No person, while under the influence of sudden passion or in a sudden fit of rage, either of which is brought on by serious provocation occasioned by the victim that is reasonably sufficient to incite the person into using deadly force, shall knowingly:

(1) Cause serious physical harm to another or to another's unborn;

(2) Cause or attempt to cause physical harm to another or to another's unborn by means of a deadly weapon or dangerous ordnance, as defined in section 2923.11 of the Revised Code.

(B) Whoever violates this section is guilty of aggravated assault, a felony of the fourth degree. If the victim of the offense is a peace officer, ~~as defined in section 2935.01 of the Revised Code~~ or an investigator of the bureau of criminal identification and investigation, aggravated assault is a felony of the third degree. If the victim of the offense is a peace officer, ~~as defined in section 2935.01 of the Revised Code~~ or an investigator of the bureau of criminal identification and investigation, and if the victim suffered serious physical harm as a result of the commission of the offense, aggravated assault is a felony of the third degree, and the court, pursuant to division

(F) of section 2929.13 of the Revised Code, shall impose as a 691
mandatory prison term one of the prison terms prescribed for a 692
felony of the third degree. 693

(C) As used in this section: 694

(1) "Investigator of the bureau of criminal identification 695
and investigation" has the same meaning as in section 2903.11 of 696
the Revised Code. 697

(2) "Peace officer" has the same meaning as in section 698
2935.01 of the Revised Code. 699

Sec. 2903.13. (A) No person shall knowingly cause or attempt 700
to cause physical harm to another or to another's unborn. 701

(B) No person shall recklessly cause serious physical harm to 702
another or to another's unborn. 703

(C) Whoever violates this section is guilty of assault. 704
Except as otherwise provided in division (C)(1), (2), (3), (4), or 705
(5) of this section, assault is a misdemeanor of the first degree. 706

(1) Except as otherwise provided in this division, if the 707
offense is committed by a caretaker against a functionally 708
impaired person under the caretaker's care, assault is a felony of 709
the fourth degree. If the offense is committed by a caretaker 710
against a functionally impaired person under the caretaker's care, 711
if the offender previously has been convicted of or pleaded guilty 712
to a violation of this section or section 2903.11 or 2903.16 of 713
the Revised Code, and if in relation to the previous conviction 714
the offender was a caretaker and the victim was a functionally 715
impaired person under the offender's care, assault is a felony of 716
the third degree. 717

(2) If the offense is committed in any of the following 718
circumstances, assault is a felony of the fifth degree: 719

(a) The offense occurs in or on the grounds of a state 720

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correctional institution or an institution of the department of youth services, the victim of the offense is an employee of the department of rehabilitation and correction, the department of youth services, or a probation department or is on the premises of the particular institution for business purposes or as a visitor, and the offense is committed by a person incarcerated in the state correctional institution, by a person institutionalized in the department of youth services institution pursuant to a commitment to the department of youth services, by a parolee, by an offender under transitional control, under a community control sanction, or on an escorted visit, by a person under post-release control, or by an offender under any other type of supervision by a government agency.

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(b) The offense occurs in or on the grounds of a local correctional facility, the victim of the offense is an employee of the local correctional facility or a probation department or is on the premises of the facility for business purposes or as a visitor, and the offense is committed by a person who is under custody in the facility subsequent to the person's arrest for any crime or delinquent act, subsequent to the person's being charged with or convicted of any crime, or subsequent to the person's being alleged to be or adjudicated a delinquent child.

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(c) The offense occurs off the grounds of a state correctional institution and off the grounds of an institution of the department of youth services, the victim of the offense is an employee of the department of rehabilitation and correction, the department of youth services, or a probation department, the offense occurs during the employee's official work hours and while the employee is engaged in official work responsibilities, and the offense is committed by a person incarcerated in a state correctional institution or institutionalized in the department of youth services who temporarily is outside of the institution for

any purpose, by a parolee, by an offender under transitional
control, under a community control sanction, or on an escorted
visit, by a person under post-release control, or by an offender
under any other type of supervision by a government agency.

(d) The offense occurs off the grounds of a local
correctional facility, the victim of the offense is an employee of
the local correctional facility or a probation department, the
offense occurs during the employee's official work hours and while
the employee is engaged in official work responsibilities, and the
offense is committed by a person who is under custody in the
facility subsequent to the person's arrest for any crime or
delinquent act, subsequent to the person being charged with or
convicted of any crime, or subsequent to the person being alleged
to be or adjudicated a delinquent child and who temporarily is
outside of the facility for any purpose or by a parolee, by an
offender under transitional control, under a community control
sanction, or on an escorted visit, by a person under post-release
control, or by an offender under any other type of supervision by
a government agency.

(e) The victim of the offense is a school teacher or
administrator or a school bus operator, and the offense occurs in
a school, on school premises, in a school building, on a school
bus, or while the victim is outside of school premises or a school
bus and is engaged in duties or official responsibilities
associated with the victim's employment or position as a school
teacher or administrator or a school bus operator, including, but
not limited to, driving, accompanying, or chaperoning students at
or on class or field trips, athletic events, or other school
extracurricular activities or functions outside of school
premises.

(3) If the victim of the offense is a peace officer or an
investigator of the bureau of criminal identification and

investigation, a firefighter, or a person performing emergency 785
medical service, while in the performance of their official 786
duties, assault is a felony of the fourth degree. 787

(4) If the victim of the offense is a peace officer or an 788
investigator of the bureau of criminal identification and 789
investigation and if the victim suffered serious physical harm as 790
a result of the commission of the offense, assault is a felony of 791
the fourth degree, and the court, pursuant to division (F) of 792
section 2929.13 of the Revised Code, shall impose as a mandatory 793
prison term one of the prison terms prescribed for a felony of the 794
fourth degree that is at least twelve months in duration. 795

(5) If the victim of the offense is an officer or employee of 796
a public children services agency or a private child placing 797
agency and the offense relates to the officer's or employee's 798
performance or anticipated performance of official 799
responsibilities or duties, assault is either a felony of the 800
fifth degree or, if the offender previously has been convicted of 801
or pleaded guilty to an offense of violence, the victim of that 802
prior offense was an officer or employee of a public children 803
services agency or private child placing agency, and that prior 804
offense related to the officer's or employee's performance or 805
anticipated performance of official responsibilities or duties, a 806
felony of the fourth degree. 807

(D) As used in this section: 808

(1) "Peace officer" has the same meaning as in section 809
2935.01 of the Revised Code. 810

(2) "Firefighter" has the same meaning as in section 3937.41 811
of the Revised Code. 812

(3) "Emergency medical service" has the same meaning as in 813
section 4765.01 of the Revised Code. 814

(4) "Local correctional facility" means a county, 815

multicounty, municipal, municipal-county, or multicounty-municipal 816
jail or workhouse, a minimum security jail established under 817
section 341.23 or 753.21 of the Revised Code, or another county, 818
multicounty, municipal, municipal-county, or multicounty-municipal 819
facility used for the custody of persons arrested for any crime or 820
delinquent act, persons charged with or convicted of any crime, or 821
persons alleged to be or adjudicated a delinquent child. 822

(5) "Employee of a local correctional facility" means a 823
person who is an employee of the political subdivision or of one 824
or more of the affiliated political subdivisions that operates the 825
local correctional facility and who operates or assists in the 826
operation of the facility. 827

(6) "School teacher or administrator" means either of the 828
following: 829

(a) A person who is employed in the public schools of the 830
state under a contract described in section 3319.08 of the Revised 831
Code in a position in which the person is required to have a 832
certificate issued pursuant to sections 3319.22 to 3319.311 of the 833
Revised Code. 834

(b) A person who is employed by a nonpublic school for which 835
the state board of education prescribes minimum standards under 836
section 3301.07 of the Revised Code and who is certificated in 837
accordance with section 3301.071 of the Revised Code. 838

(7) "Community control sanction" has the same meaning as in 839
section 2929.01 of the Revised Code. 840

(8) "Escorted visit" means an escorted visit granted under 841
section 2967.27 of the Revised Code. 842

(9) "Post-release control" and "transitional control" have 843
the same meanings as in section 2967.01 of the Revised Code. 844

(10) "Investigator of the bureau of criminal identification" 845

and investigation" has the same meaning as in section 2903.11 of
the Revised Code.

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Sec. 2913.01. As used in this chapter, unless the context
requires that a term be given a different meaning:

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(A) "Deception" means knowingly deceiving another or causing
another to be deceived by any false or misleading representation,
by withholding information, by preventing another from acquiring
information, or by any other conduct, act, or omission that
creates, confirms, or perpetuates a false impression in another,
including a false impression as to law, value, state of mind, or
other objective or subjective fact.

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(B) "Defraud" means to knowingly obtain, by deception, some
benefit for oneself or another, or to knowingly cause, by
deception, some detriment to another.

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(C) "Deprive" means to do any of the following:

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(1) Withhold property of another permanently, or for a period
that appropriates a substantial portion of its value or use, or
with purpose to restore it only upon payment of a reward or other
consideration;

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(2) Dispose of property so as to make it unlikely that the
owner will recover it;

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(3) Accept, use, or appropriate money, property, or services,
with purpose not to give proper consideration in return for the
money, property, or services, and without reasonable justification
or excuse for not giving proper consideration.

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(D) "Owner" means, unless the context requires a different
meaning, any person, other than the actor, who is the owner of,
who has possession or control of, or who has any license or
interest in property or services, even though the ownership,
possession, control, license, or interest is unlawful.

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(E) "Services" include labor, personal services, professional services, public utility services including wireless service as defined in division (F)(1) of section 4931.40 of the Revised Code, common carrier services, and food, drink, transportation, entertainment, and cable television services and, for purposes of section 2913.04 of the Revised Code, include cable services as defined in that section.

(F) "Writing" means any computer software, document, letter, memorandum, note, paper, plate, data, film, or other thing having in or upon it any written, typewritten, or printed matter, and any token, stamp, seal, credit card, badge, trademark, label, or other symbol of value, right, privilege, license, or identification.

(G) "Forge" means to fabricate or create, in whole or in part and by any means, any spurious writing, or to make, execute, alter, complete, reproduce, or otherwise purport to authenticate any writing, when the writing in fact is not authenticated by that conduct.

(H) "Utter" means to issue, publish, transfer, use, put or send into circulation, deliver, or display.

(I) "Coin machine" means any mechanical or electronic device designed to do both of the following:

(1) Receive a coin, bill, or token made for that purpose;

(2) In return for the insertion or deposit of a coin, bill, or token, automatically dispense property, provide a service, or grant a license.

(J) "Slug" means an object that, by virtue of its size, shape, composition, or other quality, is capable of being inserted or deposited in a coin machine as an improper substitute for a genuine coin, bill, or token made for that purpose.

(K) "Theft offense" means any of the following:

(1) A violation of section 2911.01, 2911.02, 2911.11, 906
2911.12, 2911.13, 2911.31, 2911.32, 2913.02, 2913.03, 2913.04, 907
2913.041, 2913.05, 2913.06, 2913.11, 2913.21, 2913.31, 2913.32, 908
2913.33, 2913.34, 2913.40, 2913.42, 2913.43, 2913.44, 2913.45, 909
2913.47, former section 2913.47 or 2913.48, or section 2913.51, 910
2915.05, or 2921.41 of the Revised Code; 911

(2) A violation of an existing or former municipal ordinance 912
or law of this or any other state, or of the United States, 913
substantially equivalent to any section listed in division (K)(1) 914
of this section or a violation of section 2913.41, 2913.81, or 915
2915.06 of the Revised Code as it existed prior to July 1, 1996; 916

(3) An offense under an existing or former municipal 917
ordinance or law of this or any other state, or of the United 918
States, involving robbery, burglary, breaking and entering, theft, 919
embezzlement, wrongful conversion, forgery, counterfeiting, 920
deceit, or fraud; 921

(4) A conspiracy or attempt to commit, or complicity in 922
committing, any offense under division (K)(1), (2), or (3) of this 923
section. 924

(L) "Computer services" includes, but is not limited to, the 925
use of a computer system, computer network, computer program, data 926
that is prepared for computer use, or data that is contained 927
within a computer system or computer network. 928

(M) "Computer" means an electronic device that performs 929
logical, arithmetic, and memory functions by the manipulation of 930
electronic or magnetic impulses. "Computer" includes, but is not 931
limited to, all input, output, processing, storage, computer 932
program, or communication facilities that are connected, or 933
related, in a computer system or network to an electronic device 934
of that nature. 935

(N) "Computer system" means a computer and related devices, 936

whether connected or unconnected, including, but not limited to, 937
data input, output, and storage devices, data communications 938
links, and computer programs and data that make the system capable 939
of performing specified special purpose data processing tasks. 940

(O) "Computer network" means a set of related and remotely 941
connected computers and communication facilities that includes 942
more than one computer system that has the capability to transmit 943
among the connected computers and communication facilities through 944
the use of computer facilities. 945

(P) "Computer program" means an ordered set of data 946
representing coded instructions or statements that, when executed 947
by a computer, cause the computer to process data. 948

(Q) "Computer software" means computer programs, procedures, 949
and other documentation associated with the operation of a 950
computer system. 951

(R) "Data" means a representation of information, knowledge, 952
facts, concepts, or instructions that are being or have been 953
prepared in a formalized manner and that are intended for use in a 954
computer, computer system, or computer network. For purposes of 955
section 2913.47 of the Revised Code, "data" has the additional 956
meaning set forth in division (A) of that section. 957

(S) "Cable television service" means any services provided by 958
or through the facilities of any cable television system or other 959
similar closed circuit coaxial cable communications system, or any 960
microwave or similar transmission service used in connection with 961
any cable television system or other similar closed circuit 962
coaxial cable communications system. 963

(T) "Gain access" means to approach, instruct, communicate 964
with, store data in, retrieve data from, or otherwise make use of 965
any resources of a computer, computer system, or computer network, 966
or any cable service or cable system both as defined in section 967

2913.04 of the Revised Code. 968

(U) "Credit card" includes, but is not limited to, a card, 969
code, device, or other means of access to a customer's account for 970
the purpose of obtaining money, property, labor, or services on 971
credit, or for initiating an electronic fund transfer at a 972
point-of-sale terminal, an automated teller machine, or a cash 973
dispensing machine. It also includes a county procurement card 974
issued under section 301.29 of the Revised Code. 975

(V) "Electronic fund transfer" has the same meaning as in 92 976
Stat. 3728, 15 U.S.C.A. 1693a, as amended. 977

(W) "Rented property" means personal property in which the 978
right of possession and use of the property is for a short and 979
possibly indeterminate term in return for consideration; the 980
rentee generally controls the duration of possession of the 981
property, within any applicable minimum or maximum term; and the 982
amount of consideration generally is determined by the duration of 983
possession of the property. 984

(X) "Telecommunication" means the origination, emission, 985
dissemination, transmission, or reception of data, images, 986
signals, sounds, or other intelligence or equivalence of 987
intelligence of any nature over any communications system by any 988
method, including, but not limited to, a fiber optic, electronic, 989
magnetic, optical, digital, or analog method. 990

(Y) "Telecommunications device" means any instrument, 991
equipment, machine, or other device that facilitates 992
telecommunication, including, but not limited to, a computer, 993
computer network, computer chip, computer circuit, scanner, 994
telephone, cellular telephone, pager, personal communications 995
device, transponder, receiver, radio, modem, or device that 996
enables the use of a modem. 997

(Z) "Telecommunications service" means the providing, 998

allowing, facilitating, or generating of any form of 999
telecommunication through the use of a telecommunications device 1000
over a telecommunications system. 1001

(AA) "Counterfeit telecommunications device" means a 1002
telecommunications device that, alone or with another 1003
telecommunications device, has been altered, constructed, 1004
manufactured, or programmed to acquire, intercept, receive, or 1005
otherwise facilitate the use of a telecommunications service or 1006
information service without the authority or consent of the 1007
provider of the telecommunications service or information service. 1008
"Counterfeit telecommunications device" includes, but is not 1009
limited to, a clone telephone, clone microchip, tumbler telephone, 1010
or tumbler microchip; a wireless scanning device capable of 1011
acquiring, intercepting, receiving, or otherwise facilitating the 1012
use of telecommunications service or information service without 1013
immediate detection; or a device, equipment, hardware, or software 1014
designed for, or capable of, altering or changing the electronic 1015
serial number in a wireless telephone. 1016

(BB)(1) "Information service" means, subject to division 1017
(BB)(2) of this section, the offering of a capability for 1018
generating, acquiring, storing, transforming, processing, 1019
retrieving, utilizing, or making available information via 1020
telecommunications, including, but not limited to, electronic 1021
publishing. 1022

(2) "Information service" does not include any use of a 1023
capability of a type described in division (BB)(1) of this section 1024
for the management, control, or operation of a telecommunications 1025
system or the management of a telecommunications service. 1026

(CC) "Elderly person" means a person who is sixty-five years 1027
of age or older. 1028

(DD) "Disabled adult" means a person who is eighteen years of 1029

age or older and has some impairment of body or mind that makes 1030
the person unable to work at any substantially remunerative 1031
employment that the person otherwise would be able to perform and 1032
that will, with reasonable probability, continue for a period of 1033
at least twelve months without any present indication of recovery 1034
from the impairment, or who is eighteen years of age or older and 1035
has been certified as permanently and totally disabled by an 1036
agency of this state or the United States that has the function of 1037
so classifying persons. 1038

(EE) "Firearm" and "dangerous ordnance" have the same 1039
meanings as in section 2923.11 of the Revised Code. 1040

(FF) "Motor vehicle" has the same meaning as in section 1041
4501.01 of the Revised Code. 1042

(GG) "Dangerous drug" has the same meaning as in section 1043
4729.01 of the Revised Code. 1044

(HH) "Drug abuse offense" has the same meaning as in section 1045
2925.01 of the Revised Code. 1046

(II)(1) "Computer hacking" means any of the following: 1047

(a) Gaining access or attempting to gain access to all or 1048
part of a computer, computer system, or a computer network without 1049
express or implied authorization with the intent to defraud or 1050
with intent to commit a crime; 1051

(b) Misusing computer or network services including, but not 1052
limited to, mail transfer programs, file transfer programs, proxy 1053
servers, and web servers by performing functions not authorized by 1054
the owner of the computer, computer system, or computer network or 1055
other person authorized to give consent. As used in this division, 1056
"misuse of computer and network services" includes, but is not 1057
limited to, the unauthorized use of any of the following: 1058

(i) Mail transfer programs to send mail to persons other than 1059

the authorized users of that computer or computer network; 1060

(ii) File transfer program proxy services or proxy servers to 1061
access other computers, computer systems, or computer networks; 1062

(iii) Web servers to redirect users to other web pages or web 1063
servers. 1064

(c)(i) Subject to division (II)(1)(c)(ii) of this section, 1065
using a group of computer programs commonly known as "port 1066
scanners" or "probes" to intentionally access any computer, 1067
computer system, or computer network without the permission of the 1068
owner of the computer, computer system, or computer network or 1069
other person authorized to give consent. The group of computer 1070
programs referred to in this division includes, but is not limited 1071
to, those computer programs that use a computer network to access 1072
a computer, computer system, or another computer network to 1073
determine any of the following: the presence or types of computers 1074
or computer systems on a network; the computer network's 1075
facilities and capabilities; the availability of computer or 1076
network services; the presence or versions of computer software 1077
including, but not limited to, operating systems, computer 1078
services, or computer contaminants; the presence of a known 1079
computer software deficiency that can be used to gain unauthorized 1080
access to a computer, computer system, or computer network; or any 1081
other information about a computer, computer system, or computer 1082
network not necessary for the normal and lawful operation of the 1083
computer initiating the access. 1084

(ii) The group of computer programs referred to in division 1085
(II)(1)(c)(i) of this section does not include standard computer 1086
software used for the normal operation, administration, 1087
management, and test of a computer, computer system, or computer 1088
network including, but not limited to, domain name services, mail 1089
transfer services, and other operating system services, computer 1090

programs commonly called "ping," "tcpdump," and "traceroute" and 1091
other network monitoring and management computer software, and 1092
computer programs commonly known as "nslookup" and "whois" and 1093
other systems administration computer software. 1094

(d) The intentional use of a computer, computer system, or a 1095
computer network in a manner that exceeds any right or permission 1096
granted by the owner of the computer, computer system, or computer 1097
network or other person authorized to give consent. 1098

(2) "Computer hacking" does not include the introduction of a 1099
computer contaminant, as defined in section 2909.02 of the Revised 1100
Code, into a computer, computer system, computer program, or 1101
computer network. 1102

(JJ) "Police dog or horse" has the same meaning as in section 1103
2921.321 of the Revised Code. 1104

(KK) "Anhydrous ammonia" is a compound formed by the 1105
combination of two gaseous elements, nitrogen and hydrogen, in the 1106
manner described in this division. Anhydrous ammonia is one part 1107
nitrogen to three parts hydrogen (NH₃). Anhydrous ammonia by 1108
weight is fourteen parts nitrogen to three parts hydrogen, which 1109
is approximately eighty-two per cent nitrogen to eighteen per cent 1110
hydrogen. 1111

(LL) "Assistance dog" has the same meaning as in section 1112
955.011 of the Revised Code. 1113

(MM) "Federally licensed firearms dealer" has the same 1114
meaning as in section 5502.63 of the Revised Code. 1115

Sec. 2913.02. (A) No person, with purpose to deprive the 1116
owner of property or services, shall knowingly obtain or exert 1117
control over either the property or services in any of the 1118
following ways: 1119

(1) Without the consent of the owner or person authorized to 1120

give consent;	1121
(2) Beyond the scope of the express or implied consent of the owner or person authorized to give consent;	1122
(3) By deception;	1124
(4) By threat;	1125
(5) By intimidation.	1126
(B)(1) Whoever violates this section is guilty of theft.	1127
(2) Except as otherwise provided in this division or division (B)(3), (4), (5), (6), (7), or (8) of this section, a violation of this section is petty theft, 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 or if the property stolen is any of the property listed in section 2913.71 of the Revised Code, a violation of this section is theft, 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, a violation of this section is grand theft, a felony of the fourth degree. If the value of the property or services stolen is one hundred thousand dollars or more and is less than five hundred thousand dollars, a violation of this section is aggravated theft, a felony of the third degree. If the value of the property or services is five hundred thousand dollars or more and is less than one million dollars, a violation of this section is aggravated theft, a felony of the second degree. If the value of the property or services stolen is one million dollars or more, a violation of this section is aggravated theft of one million dollars or more, a felony of the first degree.	1128
(3) Except as otherwise provided in division (B)(4), (5), (6), (7), or (8) of this section, if the victim of the offense is an elderly person or disabled adult, a violation of this section	1129
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is theft from an elderly person or disabled adult, and division
(B)(3) of this section applies. Except as otherwise provided in
this division, theft from an elderly person or disabled adult is a
felony of the fifth degree. If the value of the property or
services stolen is five hundred dollars or more and is less than
five thousand dollars, theft from an elderly person or disabled
adult is a felony of the fourth degree. If the value of the
property or services stolen is five thousand dollars or more and
is less than twenty-five thousand dollars, theft from an elderly
person or disabled adult is a felony of the third degree. If the
value of the property or services stolen is twenty-five thousand
dollars or more and is less than one hundred thousand dollars,
theft from an elderly person or disabled adult is a felony of the
second degree. If the value of the property or services stolen is
one hundred thousand dollars or more, theft from an elderly person
or disabled adult is a felony of the first degree.

(4) If the property stolen is a firearm or dangerous
ordnance, a violation of this section is grand theft⁷. Except as
otherwise provided in this division, grand theft when the property
stolen is a firearm or dangerous ordnance is a felony of the third
degree, and there is a presumption in favor of the court imposing
a prison term for the offense. If the firearm or dangerous
ordnance was stolen from a federally licensed firearms dealer,
grand theft when the property stolen is a firearm or dangerous
ordnance is a felony of the first degree. The offender shall serve
~~the~~ a prison term imposed for grand theft when the property stolen
is a firearm or dangerous ordnance consecutively to any other
prison term or mandatory prison term previously or subsequently
imposed upon the offender.

(5) If the property stolen is a motor vehicle, a violation of
this section is grand theft of a motor vehicle, a felony of the
fourth degree.

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(6) If the property stolen is any dangerous drug, a violation 1183
of this section is theft of drugs, a felony of the fourth degree, 1184
or, if the offender previously has been convicted of a felony drug 1185
abuse offense, a felony of the third degree. 1186

(7) If the property stolen is a police dog or horse or an 1187
assistance dog and the offender knows or should know that the 1188
property stolen is a police dog or horse or an assistance dog, a 1189
violation of this section is theft of a police dog or horse or an 1190
assistance dog, a felony of the third degree. 1191

(8) If the property stolen is anhydrous ammonia, a violation 1192
of this section is theft of anhydrous ammonia, a felony of the 1193
third degree. 1194

(9) In addition to the penalties described in division (B)(2) 1195
of this section, if the offender committed the violation by 1196
causing a motor vehicle to leave the premises of an establishment 1197
at which gasoline is offered for retail sale without the offender 1198
making full payment for gasoline that was dispensed into the fuel 1199
tank of the motor vehicle or into another container, the court may 1200
do one of the following: 1201

(a) Unless division (B)(9)(b) of this section applies, 1202
suspend for not more than six months the offender's driver's 1203
license, probationary driver's license, commercial driver's 1204
license, temporary instruction permit, or nonresident operating 1205
privilege; 1206

(b) If the offender's driver's license, probationary driver's 1207
license, commercial driver's license, temporary instruction 1208
permit, or nonresident operating privilege has previously been 1209
suspended pursuant to division (B)(9)(a) of this section, impose a 1210
class seven suspension of the offender's license, permit, or 1211
privilege from the range specified in division (A)(7) of section 1212
4510.02 of the Revised Code, provided that the suspension shall be 1213

for at least six months. 1214

(C) The sentencing court that suspends an offender's license, 1215
permit, or nonresident operating privilege under division (B)(9) 1216
of this section may grant the offender limited driving privileges 1217
during the period of the suspension in accordance with Chapter 1218
4510. of the Revised Code. 1219

Sec. 2923.12. (A) No person shall knowingly carry or have, 1220
concealed on the person's person or concealed ready at hand, any 1221
of the following: 1222

(1) A deadly weapon other than a handgun; 1223

(2) A handgun other than a dangerous ordnance; 1224

(3) A dangerous ordnance. 1225

(B) No person who has been issued a license or temporary 1226
emergency license to carry a concealed handgun under section 1227
2923.125 or 2923.1213 of the Revised Code or a license to carry a 1228
concealed ~~handgun~~ handgun that was issued by another state with 1229
which the attorney general has entered into a reciprocity 1230
agreement under section 109.69 of the Revised Code, ~~who shall do~~ 1231
any of the following: 1232

(1) If the person is stopped for a law enforcement purpose, 1233
and ~~who~~ is carrying a concealed handgun ~~shall~~, fail to promptly 1234
inform any law enforcement officer who approaches the person after 1235
the person has been stopped that the person has been issued a 1236
license or temporary emergency license to carry a concealed 1237
handgun and that the person then is carrying a concealed handgun; 1238

(2) If the person is stopped for a law enforcement purpose 1239
and if the person is carrying a concealed handgun, knowingly fail 1240
to keep the person's hands in plain sight at any time after any 1241
law enforcement officer begins approaching the person while 1242
stopped and before the law enforcement officer leaves, unless the 1243

failure is pursuant to and in accordance with directions given by
a law enforcement officer;

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(3) If the person is stopped for a law enforcement purpose,
if the person is carrying a concealed handgun, 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, pocket, or other place in which the person is carrying
it, 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 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;

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(4) If the person is stopped for a law enforcement purpose
and if the person is carrying a concealed handgun, knowingly
disregard or fail to comply with any lawful order of any law
enforcement officer given while the person is stopped, including,
but not limited to, a specific order to the person to keep the
person's hands in plain sight.

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(C)(1) This section does not apply to ~~officers~~ any of the
following:

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(a) An officer, ~~agents~~ agent, or ~~employees~~ employee of this
or any other state or the United States, or to a law enforcement
~~officers~~ officer, who is authorized to carry concealed weapons or
dangerous ordnance or is authorized to carry handguns and is
acting within the scope of ~~their~~ the officer's, agent's, or
employee's duties;

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(b) Any person who is employed in this state, who is
authorized to carry concealed weapons or dangerous ordnance or is
authorized to carry handguns, and who is subject to and in

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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 in division (C)(1)(b) of this section does not apply to the person. 1275
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(2) Division (A)(2) of this section does not apply to any of the following: 1279
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~~(a) An officer, agent, or employee of this or any other state or the United States, or a law enforcement officer, who is authorized to carry a handgun and acting within the scope of the officer's, agent's, or employee's duties;~~ 1281
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~~(b) A person who, at the time of the alleged carrying or possession of a handgun, 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 described in division (B) of section 2923.126 of the Revised Code.~~ 1285
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(D) It is an affirmative defense to a charge under division (A)(1) of this section of carrying or having control of a weapon other than a handgun and other than a dangerous ordnance that the actor was not otherwise prohibited by law from having the weapon and that any of the following applies: 1294
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(1) The weapon was carried or kept ready at hand by the actor for defensive purposes while the actor was engaged in or was going to or from the actor's lawful business or occupation, which business or occupation was of a character or was necessarily carried on in a manner or at a time or place as to render the actor particularly susceptible to criminal attack, such as would justify a prudent person in going armed. 1299
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(2) The weapon was carried or kept ready at hand by the actor 1306
for defensive purposes while the actor was engaged in a lawful 1307
activity and had reasonable cause to fear a criminal attack upon 1308
the actor, a member of the actor's family, or the actor's home, 1309
such as would justify a prudent person in going armed. 1310

(3) The weapon was carried or kept ready at hand by the actor 1311
for any lawful purpose and while in the actor's own home. 1312

(4) The weapon was being transported in a motor vehicle for 1313
any lawful purpose, was not on the actor's person, and, if the 1314
weapon was a firearm, was carried in compliance with the 1315
applicable requirements of division (C) of section 2923.16 of the 1316
Revised Code. 1317

(E) It is an affirmative defense to a charge under division 1318
(A) of this section of carrying or having control of a handgun 1319
other than a dangerous ordnance that the actor was not otherwise 1320
prohibited by law from having the handgun and that the handgun was 1321
carried or kept ready at hand by the actor for any lawful purpose 1322
and while in the actor's own home, provided that this affirmative 1323
defense is not available unless the actor, prior to arriving at 1324
the actor's own home, did not transport or possess the handgun in 1325
a motor vehicle in a manner prohibited by division (B) or (C) of 1326
section 2923.16 of the Revised Code while the motor vehicle was 1327
being operated on a street, highway, or other public or private 1328
property used by the public for vehicular traffic. 1329

(F) No person who is charged with a violation of this section 1330
shall be required to obtain a license or temporary emergency 1331
license to carry a concealed handgun under section 2923.125 or 1332
2923.1213 of the Revised Code as a condition for the dismissal of 1333
the charge. 1334

(G)(1) Whoever violates this section is guilty of carrying 1335
concealed weapons. Except as otherwise provided in this division 1336

or division (G)(2) of this section, carrying concealed weapons in
violation of division (A) of this section is a misdemeanor of the
first degree. Except as otherwise provided in this division or
division (G)(2) of this section, if the offender previously has
been convicted of a violation of this section or of any offense of
violence, if the weapon involved is a firearm that is either
loaded or for which the offender has ammunition ready at hand, or
if the weapon involved is dangerous ordnance, carrying concealed
weapons in violation of division (A) of this section is a felony
of the fourth degree. Except as otherwise provided in division
(G)(2) of this section, if the weapon involved is a firearm and
the violation of this section is committed at premises for which a
D permit has been issued under Chapter 4303. of the Revised Code
or if the offense is committed aboard an aircraft, or with purpose
to carry a concealed weapon aboard an aircraft, regardless of the
weapon involved, carrying concealed weapons in violation of
division (A) of this section is a felony of the third degree.

(2) If a person being arrested for a violation of division
(A)(2) of this section promptly produces a valid 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,
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 1369
both of the following apply: 1370

(i) Within ten days after the arrest, the offender presents a 1371
license or temporary emergency license to carry a concealed 1372
handgun issued under section 2923.125 or 2923.1213 of the Revised 1373
Code or a license to carry a concealed handgun that was issued by 1374
another state with which the attorney general has entered into a 1375
reciprocity agreement under section 109.69 of the Revised Code, 1376
which license was valid at the time of the arrest to the law 1377
enforcement agency that employs the arresting officer. 1378

(ii) At the time of the arrest, the offender was not 1379
knowingly in a place described in division (B) of section 2923.126 1380
of the Revised Code. 1381

(b) The offender shall be guilty of a misdemeanor and shall 1382
be fined five hundred dollars if all of the following apply: 1383

(i) The offender previously had been issued a license to 1384
carry a concealed handgun under section 2923.125 of the Revised 1385
Code or a license to carry a concealed handgun that was issued by 1386
another state with which the attorney general has entered into a 1387
reciprocity agreement under section 109.69 of the Revised Code and 1388
that was similar in nature to a license issued under section 1389
2923.125 of the Revised Code, and that license expired within the 1390
two years immediately preceding the arrest. 1391

(ii) Within forty-five days after the arrest, the offender 1392
presents any type of license identified in division (G)(2)(a)(i) 1393
of this section to the law enforcement agency that employed the 1394
arresting officer, and the offender waives in writing the 1395
offender's right to a speedy trial on the charge of the violation 1396
that is provided in section 2945.71 of the Revised Code. 1397

(iii) At the time of the commission of the offense, the 1398
offender was not knowingly in a place described in division (B) of 1399

section 2923.126 of the Revised Code. 1400

(c) If neither division (G)(2)(a) nor (b) of this section 1401
applies, the offender shall be punished under division (G)(1) of 1402
this section. 1403

(3) Carrying concealed weapons in violation of division 1404
(B)(1) of this section is a misdemeanor of the ~~fourth~~ first 1405
degree, and, in addition to any other penalty or sanction imposed 1406
for a violation of division (B)(1) of this section, the offender's 1407
license or temporary emergency license to carry a concealed 1408
handgun shall be suspended pursuant to division (A)(2) of section 1409
2923.128 of the Revised Code. 1410

(4) Carrying concealed weapons in violation of division 1411
(B)(2) or (4) of this section is a misdemeanor of the first degree 1412
or, if the offender previously has been convicted of or pleaded 1413
guilty to a violation of division (B)(2) or (4) of this section, a 1414
felony of the fifth degree. In addition to any other penalty or 1415
sanction imposed for a misdemeanor violation of division (B)(2) or 1416
(4) of this section, the offender's license or temporary emergency 1417
license to carry a concealed handgun shall be suspended pursuant 1418
to division (A)(2) of section 2923.128 of the Revised Code. 1419

(5) Carrying concealed weapons in violation of division 1420
(B)(3) of this section is a felony of the fifth degree. 1421

(H) If a law enforcement officer stops a person to question 1422
the person regarding a possible violation of this section, for a 1423
traffic stop, or for any other law enforcement purpose, if the 1424
person surrenders a firearm to the officer, either voluntarily or 1425
pursuant to a request or demand of the officer, and if the officer 1426
does not charge the person with a violation of this section or 1427
arrest the person for any offense, the person is not otherwise 1428
prohibited by law from possessing the firearm, and the firearm is 1429
not contraband, the officer shall return the firearm to the person 1430

at the termination of the stop.

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

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(B)(1) This section does not apply to ~~officers~~ any of the following:

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(a) An officer, agents agent, or employees employee of this or any other state or the United States, or to a law enforcement officers officer, who is authorized to carry firearms, and is acting within the scope of their the officer's, agent's, or employee's duties;

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(b) Any person who is employed in this state, who is authorized to carry firearms, and 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 in division (B)(1)(b) of this section does not apply to the person.

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

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(3) This section does not prohibit any person who is a member of a veteran's organization, as defined in section 2915.01 of the Revised Code, from possessing a rifle in any room in any premises owned, leased, or otherwise under the control of the veteran's organization, if the rifle is not loaded with live ammunition and if the person otherwise is not prohibited by law from having the rifle.

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(4) This section does not apply to any person possessing or

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displaying firearms in any room used to exhibit unloaded firearms 1461
for sale or trade in a soldiers' memorial established pursuant to 1462
Chapter 345. of the Revised Code, in a convention center, or in 1463
any other public meeting place, if the person is an exhibitor, 1464
trader, purchaser, or seller of firearms and is not otherwise 1465
prohibited by law from possessing, trading, purchasing, or selling 1466
the firearms. 1467

(C) It is an affirmative defense to a charge under this 1468
section of illegal possession of a firearm in liquor permit 1469
premises that involves the possession of a firearm other than a 1470
handgun, that the actor was not otherwise prohibited by law from 1471
having the firearm, and that any of the following apply: 1472

(1) The firearm was carried or kept ready at hand by the 1473
actor for defensive purposes, while the actor was engaged in or 1474
was going to or from the actor's lawful business or occupation, 1475
which business or occupation was of such character or was 1476
necessarily carried on in such manner or at such a time or place 1477
as to render the actor particularly susceptible to criminal 1478
attack, such as would justify a prudent person in going armed. 1479

(2) The firearm was carried or kept ready at hand by the 1480
actor for defensive purposes, while the actor was engaged in a 1481
lawful activity, and had reasonable cause to fear a criminal 1482
attack upon the actor or a member of the actor's family, or upon 1483
the actor's home, such as would justify a prudent person in going 1484
armed. 1485

(D) No person who is charged with a violation of this section 1486
shall be required to obtain a license or temporary emergency 1487
license to carry a concealed handgun under section 2923.125 or 1488
2923.1213 of the Revised Code as a condition for the dismissal of 1489
the charge. 1490

(E) Whoever violates this section is guilty of illegal 1491

possession of a firearm in liquor permit premises, a felony of the 1492
fifth degree. 1493

Sec. 2923.122. (A) No person shall knowingly convey, or 1494
attempt to convey, a deadly weapon or dangerous ordnance into a 1495
school safety zone. 1496

(B) No person shall knowingly possess a deadly weapon or 1497
dangerous ordnance in a school safety zone. 1498

(C) No person shall knowingly possess an object in a school 1499
safety zone if both of the following apply: 1500

(1) The object is indistinguishable from a firearm, whether 1501
or not the object is capable of being fired. 1502

(2) The person indicates that the person possesses the object 1503
and that it is a firearm, or the person knowingly displays or 1504
brandishes the object and indicates that it is a firearm. 1505

(D)(1) This section does not apply to ~~officers~~ any of the 1506
following: 1507

(a) An officer, agents agent, or employees employee of this 1508
or any other state or the United States, or ~~to a~~ a law enforcement 1509
~~officers~~ officer, who is authorized to carry deadly weapons or 1510
dangerous ordnance and is acting within the scope of ~~their~~ the 1511
officer's, agent's, or employee's duties, ~~to any~~ a security 1512
officer employed by a board of education or governing body of a 1513
school during the time that the security officer is on duty 1514
pursuant to that contract of employment, or ~~to~~ any other person 1515
who has written authorization from the board of education or 1516
governing body of a school to convey deadly weapons or dangerous 1517
ordnance into a school safety zone or to possess a deadly weapon 1518
or dangerous ordnance in a school safety zone and who conveys or 1519
possesses the deadly weapon or dangerous ordnance in accordance 1520
with that authorization; 1521

(b) Any person who is employed in this state, who is 1522
authorized to carry deadly weapons or dangerous ordnance, and who 1523
is subject to and in compliance with the requirements of section 1524
109.801 of the Revised Code, unless the appointing authority of 1525
the person has expressly specified that the exemption provided in 1526
division (D)(1)(b) of this section does not apply to the person. 1527

(2) Division (C) of this section does not apply to premises 1528
upon which home schooling is conducted. Division (C) of this 1529
section also does not apply to a school administrator, teacher, or 1530
employee who possesses an object that is indistinguishable from a 1531
firearm for legitimate school purposes during the course of 1532
employment, a student who uses an object that is indistinguishable 1533
from a firearm under the direction of a school administrator, 1534
teacher, or employee, or any other person who with the express 1535
prior approval of a school administrator possesses an object that 1536
is indistinguishable from a firearm for a legitimate purpose, 1537
including the use of the object in a ceremonial activity, a play, 1538
reenactment, or other dramatic presentation, or a ROTC activity or 1539
another similar use of the object. 1540

(3) This section does not apply to a person who conveys or 1541
attempts to convey a handgun into, or possesses a handgun in, a 1542
school safety zone if, at the time of that conveyance, attempted 1543
conveyance, or possession of the handgun, all of the following 1544
apply: 1545

(a) The person does not enter into a school building or onto 1546
school premises and is not at a school activity. 1547

(b) The person is carrying a valid license or temporary 1548
emergency license to carry a concealed handgun issued to the 1549
person under section 2923.125 or 2923.1213 of the Revised Code or 1550
a license to carry a concealed handgun that was issued by another 1551
state with which the attorney general has entered into a 1552

reciprocity agreement under section 109.69 of the Revised Code. 1553

(c) The person is in the school safety zone in accordance 1554
with 18 U.S.C. 922(q)(2)(B). 1555

(d) The person is not knowingly in a place described in 1556
division (B)(1) or (B)(3) to (10) of section 2923.126 of the 1557
Revised Code. 1558

(E)(1) Whoever violates division (A) or (B) of this section 1559
is guilty of illegal conveyance or possession of a deadly weapon 1560
or dangerous ordnance in a school safety zone. Except as otherwise 1561
provided in this division, illegal conveyance or possession of a 1562
deadly weapon or dangerous ordnance in a school safety zone is a 1563
felony of the fifth degree. If the offender previously has been 1564
convicted of a violation of this section, illegal conveyance or 1565
possession of a deadly weapon or dangerous ordnance in a school 1566
safety zone is a felony of the fourth degree. 1567

(2) Whoever violates division (C) of this section is guilty 1568
of illegal possession of an object indistinguishable from a 1569
firearm in a school safety zone. Except as otherwise provided in 1570
this division, illegal possession of an object indistinguishable 1571
from a firearm in a school safety zone is a misdemeanor of the 1572
first degree. If the offender previously has been convicted of a 1573
violation of this section, illegal possession of an object 1574
indistinguishable from a firearm in a school safety zone is a 1575
felony of the fifth degree. 1576

(F)(1) In addition to any other penalty imposed upon a person 1577
who is convicted of or pleads guilty to a violation of this 1578
section and subject to division (F)(2) of this section, if the 1579
offender has not attained nineteen years of age, regardless of 1580
whether the offender is attending or is enrolled in a school 1581
operated by a board of education or for which the state board of 1582
education prescribes minimum standards under section 3301.07 of 1583

the Revised Code, the court shall impose upon the offender a class 1584
four suspension of the offender's probationary driver's license, 1585
restricted license, driver's license, commercial driver's license, 1586
temporary instruction permit, or probationary commercial driver's 1587
license that then is in effect from the range specified in 1588
division (A)(4) of section 4510.02 of the Revised Code and shall 1589
deny the offender the issuance of any permit or license of that 1590
type during the period of the suspension. 1591

If the offender is not a resident of this state, the court 1592
shall impose a class four suspension of the nonresident operating 1593
privilege of the offender from the range specified in division 1594
(A)(4) of section 4510.02 of the Revised Code. 1595

(2) If the offender shows good cause why the court should not 1596
suspend one of the types of licenses, permits, or privileges 1597
specified in division (F)(1) of this section or deny the issuance 1598
of one of the temporary instruction permits specified in that 1599
division, the court in its discretion may choose not to impose the 1600
suspension, revocation, or denial required in that division. 1601

(G) As used in this section, "object that is 1602
indistinguishable from a firearm" means an object made, 1603
constructed, or altered so that, to a reasonable person without 1604
specialized training in firearms, the object appears to be a 1605
firearm. 1606

Sec. 2923.123. (A) No person shall knowingly convey or 1607
attempt to convey a deadly weapon or dangerous ordnance into a 1608
courthouse or into another building or structure in which a 1609
courtroom is located. 1610

(B) No person shall knowingly possess or have under the 1611
person's control a deadly weapon or dangerous ordnance in a 1612
courthouse or in another building or structure in which a 1613

courtroom is located.

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

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(1) ~~A Except as provided in division (E) of this section, 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;~~

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(2) A peace officer, officer of a law enforcement agency, or person who is in either of the following categories:

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(a) Except as provided in division (E) of this section, a peace officer, or an officer of a law enforcement agency of another state, a political subdivision of another state, or the United States, who is authorized to carry a deadly weapon or dangerous ordnance, who possesses or has under that individual's control a deadly weapon or dangerous ordnance as a requirement of that individual's duties, and who is acting within the scope of that individual's duties at the time of that possession or control, ~~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~~

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courtroom is located;

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(b) Except as provided in division (E) of this section, a person who is employed in this state, who is authorized to carry a deadly weapon or dangerous ordnance, who possesses or has under that individual's control a deadly weapon or dangerous ordnance as a requirement of that person's duties, and 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 in division (C)(2)(b) of this section does not apply to the person.

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

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~~(4) A Except as provided in division (E) of this section, a bailiff or deputy bailiff of a court of record of this state who is authorized to carry a firearm pursuant to section 109.77 of the Revised Code, who possesses or has under that individual's control a firearm as a requirement of that individual's duties, and who is acting within the scope of that individual's duties at the time of that possession or control, 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;~~

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(5) A Except as provided in division (E) of this section, a prosecutor, or a secret service officer appointed by a county prosecuting attorney, who is authorized to carry a deadly weapon

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or dangerous ordnance in the performance of the individual's 1677
duties, who possesses or has under that individual's control a 1678
deadly weapon or dangerous ordnance as a requirement of that 1679
individual's duties, and who is acting within the scope of that 1680
individual's duties at the time of that possession or control, 1681
~~unless a rule of superintendence or another type of rule adopted~~ 1682
~~by the supreme court pursuant to Article IV of the Ohio~~ 1683
~~Constitution or an applicable local rule of court prohibits all~~ 1684
~~persons from conveying or attempting to convey a deadly weapon or~~ 1685
~~dangerous ordnance into a courthouse or into another building or~~ 1686
~~structure in which a courtroom is located or from possessing or~~ 1687
~~having under one's control a deadly weapon or dangerous ordnance~~ 1688
~~in a courthouse or in another building or structure in which a~~ 1689
~~courtroom is located;~~ 1690

(6) ~~A~~ Except as provided in division (E) of this section, a 1691
person who conveys or attempts to convey a handgun into a 1692
courthouse or into another building or structure in which a 1693
courtroom is located, who, at the time of the conveyance or 1694
attempt, is carrying a valid license or temporary emergency 1695
license to carry a concealed handgun issued to the person under 1696
section 2923.125 or 2923.1213 of the Revised Code or a license to 1697
carry a concealed handgun that was issued by another state with 1698
which the attorney general has entered into a reciprocity 1699
agreement under section 109.69 of the Revised Code, and who 1700
transfers possession of the handgun to the officer or officer's 1701
designee who has charge of the courthouse or building. The officer 1702
shall secure the handgun until the licensee is prepared to leave 1703
the premises. The exemption described in this division applies 1704
only if the officer who has charge of the courthouse or building 1705
provides services of the nature described in this division. An 1706
officer who has charge of the courthouse or building is not 1707
required to offer services of the nature described in this 1708
division. ~~The exemption described in this division does not apply~~ 1709

~~if a rule of superintendence or another type of rule adopted by 1710
the supreme court pursuant to Article IV, Ohio Constitution, or if 1711
an applicable local rule of court prohibits all persons from 1712
conveying or attempting to convey a deadly weapon or dangerous 1713
ordnance into a courthouse or into another building or structure 1714
in which a courtroom is located or from possessing or having under 1715
one's control a deadly weapon or dangerous ordnance in a 1716
courthouse or in another building or structure in which a 1717
courtroom is located. 1718~~

(D)(1) Whoever violates division (A) of this section is 1719
guilty of illegal conveyance of a deadly weapon or dangerous 1720
ordnance into a courthouse. Except as otherwise provided in this 1721
division, illegal conveyance of a deadly weapon or dangerous 1722
ordnance into a courthouse is a felony of the fifth degree. If the 1723
offender previously has been convicted of a violation of division 1724
(A) or (B) of this section, illegal conveyance of a deadly weapon 1725
or dangerous ordnance into a courthouse is a felony of the fourth 1726
degree. 1727

(2) Whoever violates division (B) of this section is guilty 1728
of illegal possession or control of a deadly weapon or dangerous 1729
ordnance in a courthouse. Except as otherwise provided in this 1730
division, illegal possession or control of a deadly weapon or 1731
dangerous ordnance in a courthouse is a felony of the fifth 1732
degree. If the offender previously has been convicted of a 1733
violation of division (A) or (B) of this section, illegal 1734
possession or control of a deadly weapon or dangerous ordnance in 1735
a courthouse is a felony of the fourth degree. 1736

(E) The exemptions described in divisions (C)(1), (2)(a), 1737
(2)(b), (4), (5), and (6) of this section do not apply to any 1738
judge, magistrate, peace officer, officer of a law enforcement 1739
agency, bailiff, deputy bailiff, prosecutor, secret service 1740
officer, or other person described in any of those divisions if a 1741

rule of superintendence or another type of rule adopted by the 1742
supreme court pursuant to Article IV, Ohio Constitution, or an 1743
applicable local rule of court prohibits all persons from 1744
conveying or attempting to convey a deadly weapon or dangerous 1745
ordnance into a courthouse or into another building or structure 1746
in which a courtroom is located or from possessing or having under 1747
one's control a deadly weapon or dangerous ordnance in a 1748
courthouse or in another building or structure in which a 1749
courtroom is located. 1750

(F) As used in this section: 1751

(1) "Magistrate" means an individual who is appointed by a 1752
court of record of this state and who has the powers and may 1753
perform the functions specified in Civil Rule 53, Criminal Rule 1754
19, or Juvenile Rule 40. 1755

(2) "Peace officer" and "prosecutor" have the same meanings 1756
as in section 2935.01 of the Revised Code. 1757

Sec. 2923.124. As used in sections 2923.124 to 2923.1213 of 1758
the Revised Code: 1759

(A) "Application form" means the application form prescribed 1760
pursuant to division (A)(1) of section 109.731 of the Revised Code 1761
and includes a copy of that form. 1762

(B) "Competency certification" and "competency certificate" 1763
mean a document of the type described in division (B)(3) of 1764
section 2923.125 of the Revised Code. 1765

(C) "Detention facility" has the same meaning as in section 1766
2921.01 of the Revised Code. 1767

(D) "Licensee" means a person to whom a license to carry a 1768
concealed handgun has been issued under section 2923.125 of the 1769
Revised Code and, except when the context clearly indicates 1770
otherwise, includes a person to whom a temporary emergency license 1771

to carry a concealed handgun has been issued under section	1772
2923.1213 of the Revised Code.	1773
(E) "License fee" or "license renewal fee" means the fee for	1774
a license to carry a concealed handgun or the fee to renew that	1775
license that is prescribed pursuant to division (C) of section	1776
109.731 of the Revised Code and that is to be paid by an applicant	1777
for a license of that type.	1778
(F) "Peace officer" has the same meaning as in section	1779
2935.01 of the Revised Code.	1780
(G) "State correctional institution" has the same meaning as	1781
in section 2967.01 of the Revised Code.	1782
(H) "Valid license" means a license or temporary emergency	1783
license to carry a concealed handgun that has been issued under	1784
section 2923.125 or 2923.1213 of the Revised Code, that is	1785
currently valid, that is not under a suspension under division	1786
(A)(1) of section 2923.128 or under section 2923.1213 of the	1787
Revised Code, and that has not been revoked under division (B)(1)	1788
of section 2923.128 or under section 2923.1213 of the Revised	1789
Code.	1790
(I) "Civil protection order" means a protection order issued,	1791
or consent agreement approved, under section 2903.214 or 3113.31	1792
of the Revised Code.	1793
(J) "Temporary protection order" means a protection order	1794
issued under section 2903.213 or 2919.26 of the Revised Code.	1795
(K) "Protection order issued by a court of another state" has	1796
the same meaning as in section 2919.27 of the Revised Code.	1797
(L) "Child day-care center," "type A family day-care home"	1798
and "type B family day-care home" have the same meanings as in	1799
section 5104.01 of the Revised Code.	1800
(M) "Type C family day-care home" means a family day-care	1801

home authorized to provide child care by Sub. H.B. 62 of the 121st
general assembly, as amended by Am. Sub. S.B. 160 of the 121st
general assembly and Sub. H.B. 407 of the 123rd general assembly.

(N) "Foreign air transportation," "interstate air
transportation," and "intrastate air transportation" have the same
meanings as in 49 U.S.C. 40102, as now or hereafter amended.

(O) "Commercial motor vehicle" has the same meaning as in
division (A) of section 4506.25 of the Revised Code.

(P) "Motor carrier enforcement unit" has the same meaning as
in section 2923.16 of the Revised Code.

Sec. 2923.125. (A) Upon the request of a person who wishes to
obtain a license to carry a concealed handgun or to renew a
license to carry a concealed handgun, a sheriff, as provided in
division (I) of this section, shall provide to the person free of
charge an application form and a copy of the pamphlet described in
division (B) of section 109.731 of the Revised Code. A sheriff
shall accept a completed application form and the fee, items,
materials, and information specified in divisions (B)(1) to (5) of
this section at the times and in the manners described in division
(I) of this section.

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

(1) A nonrefundable license fee prescribed by the Ohio peace
officer training commission pursuant to division (C) of section
109.731 of the Revised Code, except that the sheriff shall waive
the payment of the license fee in connection with an initial or
renewal application for a license that is submitted by an

applicant who is a retired peace officer, a retired person 1832
described in division (B)(1)(b) of section 109.77 of the Revised 1833
Code, or a retired federal law enforcement officer who, prior to 1834
retirement, was authorized under federal law to carry a firearm in 1835
the course of duty, unless the retired peace officer, person, or 1836
federal law enforcement officer retired as the result of a mental 1837
disability; 1838

(2) A color photograph of the applicant that was taken within 1839
thirty days prior to the date of the application; 1840

(3) One or more of the following competency certifications, 1841
each of which shall reflect that, regarding a certification 1842
described in division (B)(3)(a), (b), (c), (e), or (f) of this 1843
section, within the three years immediately preceding the 1844
application the applicant has performed that to which the 1845
competency certification relates and that, regarding a 1846
certification described in division (B)(3)(d) of this section, the 1847
applicant currently is an active or reserve member of the armed 1848
forces of the United States or within the six years immediately 1849
preceding the application the honorable discharge or retirement to 1850
which the competency certification relates occurred: 1851

(a) An original or photocopy of a certificate of completion 1852
of a firearms safety, training, or requalification or firearms 1853
safety instructor course, class, or program that was offered by or 1854
under the auspices of the national rifle association and that 1855
complies with the requirements set forth in division (G) of this 1856
section; 1857

(b) An original or photocopy of a certificate of completion 1858
of a firearms safety, training, or requalification or firearms 1859
safety instructor course, class, or program that satisfies all of 1860
the following criteria: 1861

(i) It was open to members of the general public. 1862

(ii) It utilized qualified instructors who were certified by 1863
the national rifle association, the executive director of the Ohio 1864
peace officer training commission pursuant to section 109.75 or 1865
109.78 of the Revised Code, or a governmental official or entity 1866
of another state. 1867

(iii) It was offered by or under the auspices of a law 1868
enforcement agency of this or another state or the United States, 1869
a public or private college, university, or other similar 1870
postsecondary educational institution located in this or another 1871
state, a firearms training school located in this or another 1872
state, or another type of public or private entity or organization 1873
located in this or another state. 1874

(iv) It complies with the requirements set forth in division 1875
(G) of this section. 1876

(c) An original or photocopy of a certificate of completion 1877
of a state, county, municipal, or department of natural resources 1878
peace officer training school that is approved by the executive 1879
director of the Ohio peace officer training commission pursuant to 1880
section 109.75 of the Revised Code and that complies with the 1881
requirements set forth in division (G) of this section, or the 1882
applicant has satisfactorily completed and been issued a 1883
certificate of completion of a basic firearms training program, a 1884
firearms requalification training program, or another basic 1885
training program described in section 109.78 or 109.801 of the 1886
Revised Code that complies with the requirements set forth in 1887
division (G) of this section; 1888

(d) A document that evidences both of the following: 1889

(i) That the applicant is an active or reserve member of the 1890
armed forces of the United States, was honorably discharged from 1891
military service in the active or reserve armed forces of the 1892
United States, is a retired trooper of the state highway patrol, 1893

or is a retired peace officer or federal law enforcement officer 1894
described in division (B)(1) of this section or a retired person 1895
described in division (B)(1)(b) of section 109.77 of the Revised 1896
Code and division (B)(1) of this section; 1897

(ii) That, through participation in the military service or 1898
through the former employment described in division (B)(3)(d)(i) 1899
of this section, the applicant acquired experience with handling 1900
handguns or other firearms, and the experience so acquired was 1901
equivalent to training that the applicant could have acquired in a 1902
course, class, or program described in division (B)(3)(a), (b), or 1903
(c) of this section. 1904

(e) A certificate or another similar document that evidences 1905
satisfactory completion of a firearms training, safety, or 1906
requalification or firearms safety instructor course, class, or 1907
program that is not otherwise described in division (B)(3)(a), 1908
(b), (c), or (d) of this section, that was conducted by an 1909
instructor who was certified by an official or entity of the 1910
government of this or another state or the United States or by the 1911
national rifle association, and that complies with the 1912
requirements set forth in division (G) of this section; 1913

(f) An affidavit that attests to the applicant's satisfactory 1914
completion of a course, class, or program described in division 1915
(B)(3)(a), (b), (c), or (e) of this section and that is subscribed 1916
by the applicant's instructor or an authorized representative of 1917
the entity that offered the course, class, or program or under 1918
whose auspices the course, class, or program was offered. 1919

(4) A certification by the applicant that the applicant has 1920
read the pamphlet prepared by the Ohio peace officer training 1921
commission pursuant to section 109.731 of the Revised Code that 1922
reviews firearms, dispute resolution, and use of deadly force 1923
matters. 1924

(5) A set of fingerprints of the applicant provided as 1925
described in section 311.41 of the Revised Code through use of an 1926
electronic fingerprint reading device or, if the sheriff to whom 1927
the application is submitted does not possess and does not have 1928
ready access to the use of such a reading device, on a standard 1929
impression sheet prescribed pursuant to division (C)(2) of section 1930
109.572 of the Revised Code. 1931

(C) Upon receipt of an applicant's completed application 1932
form, supporting documentation, and, if not waived, license fee, a 1933
sheriff, in the manner specified in section 311.41 of the Revised 1934
Code, shall conduct or cause to be conducted the criminal records 1935
check and the incompetency records check described in section 1936
311.41 of the Revised Code. 1937

(D)(1) Except as provided in division (D)(3), (4), or (5) of 1938
this section, within forty-five days after a sheriff's receipt of 1939
an applicant's completed application form for a license to carry a 1940
concealed handgun, the supporting documentation, and, if not 1941
waived, the license fee, a the sheriff shall make available 1942
through the law enforcement automated data system in accordance 1943
with division (H) of this section the information described in 1944
that division and, upon making the information available through 1945
the system, shall issue to the applicant a license to carry a 1946
concealed handgun that shall expire ~~four years after the date of~~ 1947
issuance as described in division (D)(2)(a) of this section if all 1948
of the following apply: 1949

(a) The applicant is legally living in the United States, has 1950
been a resident of this state for at least forty-five days, and 1951
has been a resident of the county in which the person seeks the 1952
license or a county adjacent to the county in which the person 1953
seeks the license for at least thirty days. 1954

(b) The applicant is at least twenty-one years of age. 1955

(c) The applicant is not a fugitive from justice.	1956
(d) The applicant is not under indictment for or otherwise charged with a felony; an offense under Chapter 2925., 3719., or 4729. of the Revised Code that involves the illegal possession, use, sale, administration, or distribution of or trafficking in a drug of abuse; a misdemeanor offense of violence; or a violation of section 2903.14 or 2923.1211 of the Revised Code.	1957 1958 1959 1960 1961 1962
(e) The applicant has not been convicted of or pleaded guilty to a felony or an offense under Chapter 2925., 3719., or 4729. of the Revised Code that involves the illegal possession, use, sale, administration, or distribution of or trafficking in a drug of abuse; has not been adjudicated a delinquent child for committing an act that if committed by an adult would be a felony or would be an offense under Chapter 2925., 3719., or 4729. of the Revised Code that involves the illegal possession, use, sale, administration, or distribution of or trafficking in a drug of abuse; and has not been convicted of, pleaded guilty to, or adjudicated a delinquent child for committing a violation of section 2903.13 of the Revised Code when the victim of the violation is a peace officer, regardless of whether the applicant was sentenced under division (C)(3) of that section.	1963 1964 1965 1966 1967 1968 1969 1970 1971 1972 1973 1974 1975 1976
(f) The applicant, within three years of the date of the application, has not been convicted of or pleaded guilty to a misdemeanor offense of violence other than a misdemeanor violation of section 2921.33 of the Revised Code or a violation of section 2903.13 of the Revised Code when the victim of the violation is a peace officer, or a misdemeanor violation of section 2923.1211 of the Revised Code; and has not been adjudicated a delinquent child for committing an act that if committed by an adult would be a misdemeanor offense of violence other than a misdemeanor violation of section 2921.33 of the Revised Code or a violation of section 2903.13 of the Revised Code when the victim of the violation is a	1977 1978 1979 1980 1981 1982 1983 1984 1985 1986 1987

peace officer or for committing an act that if committed by an adult would be a misdemeanor violation of section 2923.1211 of the Revised Code.

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

(h) The applicant, within ten years of the date of the application, has not been convicted of, pleaded guilty to, or adjudicated a delinquent child for committing a violation of section 2921.33 of the Revised Code.

(i) The applicant has not been adjudicated as a mental defective, has not been committed to any mental institution, is not under adjudication of mental incompetence, has not been found by a court to be a mentally ill person subject to hospitalization by court order, and is not an involuntary patient other than one who is a patient only for purposes of observation. As used in this division, "mentally ill person subject to hospitalization by court order" and "patient" have the same meanings as in section 5122.01 of the Revised Code.

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

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

(l) The applicant submits a competency certification of the type described in division (B)(3) of this section and submits a certification of the type described in division (B)(4) of this

section regarding the applicant's reading of the pamphlet prepared
by the Ohio peace officer training commission pursuant to section
109.731 of the Revised Code.

(m) The applicant currently is not subject to a suspension
imposed under division (A)(2) of section 2923.128 of the Revised
Code of a license to carry a concealed handgun, or a temporary
emergency license to carry a concealed handgun, that previously
was issued to the applicant under this section or section
2923.1213 of the Revised Code.

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

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

(b) If a sheriff denies an application under this section
because the applicant does not satisfy the criteria described in
division (D)(1) of this section, the sheriff shall specify the
grounds for the denial in a written notice to the applicant. The
applicant may appeal the denial pursuant to section 119.12 of the
Revised Code in the county served by the sheriff who denied the
application. If the denial was as a result of the criminal records
check conducted pursuant to section 311.41 of the Revised Code and
if, pursuant to section 2923.127 of the Revised Code, the
applicant challenges the criminal records check results using the

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appropriate challenge and review procedure specified in that 2050
section, the time for filing the appeal pursuant to section 119.12 2051
of the Revised Code and this division is tolled during the 2052
pendency of the request or the challenge and review. If the court 2053
in an appeal under section 119.12 of the Revised Code and this 2054
division enters a judgment sustaining the sheriff's refusal to 2055
grant to the applicant a license to carry a concealed handgun, the 2056
applicant may file a new application beginning one year after the 2057
judgment is entered. If the court enters a judgment in favor of 2058
the applicant, that judgment shall not restrict the authority of a 2059
sheriff to suspend or revoke the license pursuant to section 2060
2923.128 or 2923.1213 of the Revised Code or to refuse to renew 2061
the license for any proper cause that may occur after the date the 2062
judgment is entered. In the appeal, the court shall have full 2063
power to dispose of all costs. 2064

(3) If the sheriff with whom an application for a license to 2065
carry a concealed handgun was filed under this section becomes 2066
aware that the applicant has been arrested for or otherwise 2067
charged with an offense that would disqualify the applicant from 2068
holding the license, the sheriff shall suspend the processing of 2069
the application until the disposition of the case arising from the 2070
arrest or charge. 2071

(4) If the sheriff determines that the applicant is legally 2072
living in the United States and is a resident of the county in 2073
which the applicant seeks the license or of an adjacent county but 2074
does not yet meet the residency requirements described in division 2075
(D)(1)(a) of this section, the sheriff shall not deny the license 2076
because of the residency requirements but shall not issue the 2077
license until the applicant meets those residency requirements. 2078

(E) If a license to carry a concealed handgun issued under 2079
this section is lost or is destroyed, the licensee may obtain from 2080
the sheriff who issued that license a duplicate license upon the 2081

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payment of a fee of fifteen dollars and the submission of an affidavit attesting to the loss or destruction of the license. The sheriff, in accordance with the procedures prescribed in section 109.731 of the Revised Code, shall place on the replacement license a combination of identifying numbers different from the combination on the license that is being replaced.

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(F) A licensee who wishes to renew a license to carry a concealed handgun issued under this ~~section~~ section shall do so within not earlier than ninety days before the expiration date of the license and not later than thirty days after the expiration date of the license by filing with the sheriff of the county in which the applicant resides or with the sheriff of an adjacent county an application for renewal of the license obtained pursuant to division (D) of this section, a new color photograph of the licensee that was taken within thirty days prior to the date of the renewal application, a certification by the applicant that, subsequent to the issuance of the license, the applicant has reread 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, a new set of fingerprints provided in the manner specified in division ~~(D)(4)(B)(5)~~ of this section 2923.125 of the Revised Code regarding initial applications for a license to carry a concealed handgun, and a nonrefundable license renewal fee unless the fee is waived. The licensee also shall submit a competency certification of the type described in division (B)(3) of this section that is not older than six years or a renewed competency certification of the type described in division (G)(4) of this section that is not older than six years. A sheriff shall accept a completed renewal application and the fee, items, materials, and information specified in this division at the times and in the manners described in division (I) of this section.

Upon receipt of a completed renewal application, color 2114
photograph, certification that the applicant has reread the 2115
specified pamphlet prepared by the Ohio peace officer training 2116
commission, new set of fingerprints, competency certification or 2117
renewed competency certification, and license renewal fee unless 2118
the fee is waived, a sheriff, in the manner specified in section 2119
311.41 of the Revised Code shall conduct or cause to be conducted 2120
the criminal records check and the incompetency records check 2121
described in section 311.41 of the Revised Code. The sheriff shall 2122
renew the license if the sheriff determines that the applicant 2123
continues to satisfy the requirements described in division (D)(1) 2124
of this section, except that the applicant is required to submit a 2125
renewed competency certification only in the circumstances 2126
described in division (G)(4) of this section. A renewed license 2127
that is renewed on or after the effective date of this amendment 2128
shall expire five years after the date of issuance, and a renewed 2129
license that is renewed prior to the effective date of this 2130
amendment shall expire four years after the date of issuance and, 2131
A renewed license is subject to division (E) of this section and 2132
sections 2923.126 and 2923.128 of the Revised Code. A sheriff 2133
shall comply with divisions (D)(2) to (4) of this section when the 2134
circumstances described in those divisions apply to a requested 2135
license renewal. If a sheriff denies the renewal of a license to 2136
carry a concealed handgun, the applicant may appeal the denial, or 2137
challenge the criminal record check results that were the basis of 2138
the denial if applicable, in the same manner as specified in 2139
division (D)(2)(b) of this section and in section 2923.127 of the 2140
Revised Code, regarding the denial of a license under this 2141
section. 2142

(G)(1) Each course, class, or program described in division 2143
(B)(3)(a), (b), (c), or (e) of this section shall provide to each 2144
person who takes the course, class, or program a copy of the 2145

pamphlet prepared by the Ohio peace officer training commission 2146
pursuant to section 109.731 of the Revised Code that reviews 2147
firearms, dispute resolution, and use of deadly force matters. 2148
Each such course, class, or program described in one of those 2149
divisions shall include at least twelve hours of training in the 2150
safe handling and use of a firearm that shall include all of the 2151
following: 2152

(a) At least ten hours of training on the following matters: 2153

(i) The ability to name, explain, and demonstrate the rules 2154
for safe handling of a handgun and proper storage practices for 2155
handguns and ammunition; 2156

(ii) The ability to demonstrate and explain how to handle 2157
ammunition in a safe manner; 2158

(iii) The ability to demonstrate the knowledge, skills, and 2159
attitude necessary to shoot a handgun in a safe manner; 2160

(iv) Gun handling training. 2161

(b) At least two hours of training that consists of range 2162
time and live-fire training. 2163

(2) To satisfactorily complete the course, class, or program 2164
described in division (B)(3)(a), (b), (c), or (e) of this section, 2165
the applicant shall pass a competency examination that shall 2166
include both of the following: 2167

(a) A written section on the ability to name and explain the 2168
rules for the safe handling of a handgun and proper storage 2169
practices for handguns and ammunition; 2170

(b) A physical demonstration of competence in the use of a 2171
handgun and in the rules for safe handling and storage of a 2172
handgun and a physical demonstration of the attitude necessary to 2173
shoot a handgun in a safe manner. 2174

(3) The competency certification described in division 2175

(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.

(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
this division, may obtain a renewed competency certification
pursuant to this division. If the person has received a competency
certification within the preceding six years, or previously has
received a renewed competency certification within the preceding
six years, the person may obtain a renewed competency
certification from an entity that offers a course, class, or
program described in division (B)(3)(a), (b), (c), or (e) of this
section by passing a competency examination of the type described
in division (G)(2) of this section. In these circumstances, the
person is not required to attend the course, class, or program in
order to be eligible to take the competency examination for the
renewed competency certification. If more than six years has
elapsed since the person last received a competency certification
or a renewed competency certification, in order for the person to
obtain a renewed competency certification, the person shall both
satisfactorily complete a course, class, or program described in
division (B)(3)(a), (b), (c), or (e) of this section and pass a
competency examination of the type described in division (G)(2) of
this section. A renewed competency certification issued under this
division shall be dated and shall attest that the applicant passed
the competency examination of the type described in division
(G)(2) of this section and, if applicable, that the person
successfully completed a course, class, or program that met the

requirements described in division (G)(1) of this section.

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(H) Upon deciding to issue a license, deciding to issue a replacement license, or deciding to renew a license to carry a concealed handgun pursuant to this section, and before actually issuing or renewing the license, the sheriff shall make available through the law enforcement automated data system all information contained on the license. If the license subsequently is suspended under division (A)(1) or (2) of section 2923.128 of the Revised Code, revoked pursuant to division (B)(1) of section 2923.128 of the 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.

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(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, and shall provide an application form or renewal application and a copy of the pamphlet described in division (B) of section 109.731 of the Revised Code to any person during at least fifteen hours a week. The sheriff shall post notice of the hours during which the sheriff is available to accept or provide the information described in this division.

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Sec. 2923.126. (A) A license to carry a concealed handgun that is issued under section 2923.125 of the Revised Code on or after the effective date of this amendment shall expire five years after the date of issuance, and a license that is so issued prior to the effective date of this amendment shall expire four years after the date of issuance. A licensee who has been issued a

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license under that section shall be granted a grace period of 2239
thirty days after the licensee's license expires during which the 2240
licensee's license remains valid. Except as provided in divisions 2241
(B) and (C) of this section, a licensee who has been issued a 2242
license under section 2923.125 or 2923.1213 of the Revised Code 2243
may carry a concealed handgun anywhere in this state if the 2244
licensee also carries a valid license and valid identification 2245
when the licensee is in actual possession of a concealed handgun. 2246
The licensee shall give notice of any change in the licensee's 2247
residence address to the sheriff who issued the license within 2248
forty-five days after that change. 2249

If a licensee is the driver or an occupant of a motor vehicle 2250
that is stopped as the result of a traffic stop or a stop for 2251
another law enforcement purpose and if the licensee is 2252
transporting or has a loaded handgun in the motor vehicle at that 2253
time, the licensee shall promptly inform any law enforcement 2254
officer who approaches the vehicle while stopped that the licensee 2255
has been issued a license or temporary emergency license to carry 2256
a concealed handgun and that the licensee currently possesses or 2257
has a loaded handgun; the licensee shall not knowingly disregard 2258
or fail to comply with lawful orders of a law enforcement officer 2259
given while the motor vehicle is stopped, ~~shall knowingly fail to~~ 2260
remain in the motor vehicle while stopped, ~~and shall~~ or knowingly 2261
fail to keep the licensee's hands in plain sight ~~while~~ after any 2262
law enforcement officer begins approaching the licensee while 2263
stopped and before the officer leaves, unless directed otherwise 2264
by a law enforcement officer; and the licensee shall not knowingly 2265
remove, attempt to remove, grasp, or hold the loaded handgun or 2266
knowingly have contact with the loaded handgun by touching it with 2267
the licensee's hands or fingers, in any manner in violation of 2268
division (E) of section 2923.16 of the Revised Code, ~~while~~ after 2269
any law enforcement officer begins approaching the licensee while 2270
stopped and before the officer leaves. Additionally, if a licensee 2271

is the driver or an occupant of a commercial motor vehicle that is 2272
stopped by an employee of the motor carrier enforcement unit for 2273
the purposes defined in section 5503.04 of the Revised Code and if 2274
the licensee is transporting or has a loaded handgun in the 2275
commercial motor vehicle at that time, the licensee shall promptly 2276
inform the employee of the unit who approaches the vehicle while 2277
stopped that the licensee has been issued a license or temporary 2278
emergency license to carry a concealed handgun and that the 2279
licensee currently possesses or has a loaded handgun. If a law 2280
enforcement officer otherwise approaches a person who has been 2281

If a licensee is stopped for a law enforcement purpose, if 2282
the person is a licensee, and if the licensee is carrying a 2283
concealed handgun at the time the officer approaches, the licensee 2284
shall promptly inform the any law enforcement officer who 2285
approaches the licensee while stopped that the licensee has been 2286
issued a license or temporary emergency license to carry a 2287
concealed handgun and that the licensee currently is carrying a 2288
concealed handgun; the licensee shall not knowingly disregard or 2289
fail to comply with lawful orders of a law enforcement officer 2290
given while the licensee is stopped or knowingly fail to keep the 2291
licensee's hands in plain sight after any law enforcement officer 2292
begins approaching the licensee while stopped and before the 2293
officer leaves, unless directed otherwise by a law enforcement 2294
officer; and the licensee shall not knowingly remove, attempt to 2295
remove, grasp, or hold the loaded handgun or knowingly have 2296
contact with the loaded handgun by touching it with the licensee's 2297
hands or fingers, in any manner in violation of division (B) of 2298
section 2923.12 of the Revised Code, after any law enforcement 2299
officer begins approaching the licensee while stopped and before 2300
the officer leaves. 2301

(B) A valid license issued under section 2923.125 or 2302
2923.1213 of the Revised Code does not authorize the licensee to 2303

carry a concealed handgun in any manner prohibited under division 2304
(B) of section 2923.12 of the Revised Code or in any manner 2305
prohibited under section 2923.16 of the Revised Code. A valid 2306
license does not authorize the licensee to carry a concealed 2307
handgun into any of the following places: 2308

(1) A police station, sheriff's office, or state highway 2309
patrol station, premises controlled by the bureau of criminal 2310
identification and investigation, a state correctional 2311
institution, jail, workhouse, or other detention facility, an 2312
airport passenger terminal, or an institution that is maintained, 2313
operated, managed, and governed pursuant to division (A) of 2314
section 5119.02 of the Revised Code or division (A)(1) of section 2315
5123.03 of the Revised Code; 2316

(2) A school safety zone, in violation of section 2923.122 of 2317
the Revised Code; 2318

(3) A courthouse or another building or structure in which a 2319
courtroom is located, in violation of section 2923.123 of the 2320
Revised Code; 2321

(4) Any room or open air arena in which liquor is being 2322
dispensed in premises for which a D permit has been issued under 2323
Chapter 4303. of the Revised Code, in violation of section 2324
2923.121 of the Revised Code; 2325

(5) Any premises owned or leased by any public or private 2326
college, university, or other institution of higher education, 2327
unless the handgun is in a locked motor vehicle or the licensee is 2328
in the immediate process of placing the handgun in a locked motor 2329
vehicle; 2330

(6) Any church, synagogue, mosque, or other place of worship, 2331
unless the church, synagogue, mosque, or other place of worship 2332
posts or permits otherwise; 2333

(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;

(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;

(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;

(10) A place in which federal law prohibits the carrying of handguns.

(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.

(2)(a) A private employer shall be immune from liability in a 2365
civil action for any injury, death, or loss to person or property 2366
that allegedly was caused by or related to a licensee bringing a 2367
handgun onto the premises or property of the private employer, 2368
including motor vehicles owned by the private employer, unless the 2369
private employer acted with malicious purpose. A private employer 2370
is immune from liability in a civil action for any injury, death, 2371
or loss to person or property that allegedly was caused by or 2372
related to the private employer's decision to permit a licensee to 2373
bring, or prohibit a licensee from bringing, a handgun onto the 2374
premises or property of the private employer. As used in this 2375
division, "private employer" includes a private college, 2376
university, or other institution of higher education. 2377

(b) A political subdivision shall be immune from liability in 2378
a civil action, to the extent and in the manner provided in 2379
Chapter 2744. of the Revised Code, for any injury, death, or loss 2380
to person or property that allegedly was caused by or related to a 2381
licensee bringing a handgun onto any premises or property owned, 2382
leased, or otherwise under the control of the political 2383
subdivision. As used in this division, "political subdivision" has 2384
the same meaning as in section 2744.01 of the Revised Code. 2385

(3) The owner or person in control of private land or 2386
premises, and a private person or entity leasing land or premises 2387
owned by the state, the United States, or a political subdivision 2388
of the state or the United States, may post a sign in a 2389
conspicuous location on that land or on those premises prohibiting 2390
persons from carrying firearms or concealed firearms on or onto 2391
that land or those premises. A person who knowingly violates a 2392
posted prohibition of that nature is guilty of criminal trespass 2393
in violation of division (A)(4) of section 2911.21 of the Revised 2394
Code and is guilty of a misdemeanor of the fourth degree. 2395

(D) A person who holds a license to carry a concealed handgun 2396

that was issued pursuant to the law of another state that is
recognized by the attorney general pursuant to a reciprocity
agreement entered into pursuant to section 109.69 of the Revised
Code has the same right to carry a concealed handgun in this state
as a person who was issued a license to carry a concealed handgun
under section 2923.125 of the Revised Code and is subject to the
same restrictions that apply to a person who carries a license
issued under that section.

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

(F)(1) A qualified retired peace officer who possesses a
retired peace officer identification card issued pursuant to
division (F)(2) of this section and a valid firearms
requalification certification issued pursuant to division (F)(3)
of this section has the same right to carry a concealed handgun in
this state as a person who was issued a license to carry a
concealed handgun under section 2923.125 of the Revised Code and
is subject to the same restrictions that apply to a person who
carries a license issued under that section. For purposes of
reciprocity with other states, a qualified retired peace officer
who possesses a retired peace officer identification card issued
pursuant to division (F)(2) of this section and a valid firearms
requalification certification issued pursuant to division (F)(3)
of this section shall be considered to be a licensee in this
state.

(2)(a) Each public agency of this state or of a political
subdivision of this state that is served by one or more peace
officers shall issue a retired peace officer identification card
to any person who retired from service as a peace officer with

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that agency, if the issuance is in accordance with the agency's
policies and procedures and if the person, with respect to the
person's service with that agency, satisfies all of the following:

(i) The person retired in good standing from service as a
peace officer with the public agency, and the retirement was not
for reasons of mental instability.

(ii) Before retiring from service as a peace officer with
that agency, the person was authorized to engage in or supervise
the prevention, detection, investigation, or prosecution of, or
the incarceration of any person for, any violation of law and the
person had statutory powers of arrest.

(iii) At the time of the person's retirement as a peace
officer with that agency, the person was trained and qualified to
carry firearms in the performance of the peace officer's duties.

(iv) Before retiring from service as a peace officer with
that agency, the person was regularly employed as a peace officer
for an aggregate of fifteen years or more, or, in the alternative,
the person retired from service as a peace officer with that
agency, after completing any applicable probationary period of
that service, due to a service-connected disability, as determined
by the agency.

(v) The person has a nonforfeitable right to benefits under
the retirement plan of that agency.

(b) A retired peace officer identification card issued to a
person under division (F)(2)(a) of this section shall identify the
person by name, contain a photograph of the person, identify the
public agency of this state or of the political subdivision of
this state from which the person retired as a peace officer and
that is issuing the identification card, and specify that the
person retired in good standing from service as a peace officer
with the issuing public agency and satisfies the criteria set

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forth in divisions (F)(2)(a)(i) to (v) of this section. In 2460
addition to the required content specified in this division, a 2461
retired peace officer identification card issued to a person under 2462
division (F)(2)(a) of this section may include the firearms 2463
requalification certification described in division (F)(3) of this 2464
section, and if the identification card includes that 2465
certification, the identification card shall serve as the firearms 2466
requalification certification for the retired peace officer. If 2467
the issuing public agency issues credentials to active law 2468
enforcement officers who serve the agency, the agency may comply 2469
with division (F)(2)(a) of this section by issuing the same 2470
credentials to persons who retired from service as a peace officer 2471
with the agency and who satisfy the criteria set forth in 2472
divisions (F)(2)(a)(i) to (v) of this section, provided that the 2473
credentials so issued to retired peace officers are stamped with 2474
the word "RETIRED." 2475

(c) A public agency of this state or of a political 2476
subdivision of this state may charge persons who retired from 2477
service as a peace officer with the agency a reasonable fee for 2478
issuing to the person a retired peace officer identification card 2479
pursuant to division (F)(2)(a) of this section. 2480

(3) If a person retired from service as a peace officer with 2481
a public agency of this state or of a political subdivision of 2482
this state and the person satisfies the criteria set forth in 2483
divisions (F)(2)(a)(i) to (v) of this section, the public agency 2484
may provide the retired peace officer with the opportunity to 2485
attend a firearms requalification program that is approved for 2486
purposes of firearms requalification required under section 2487
109.801 of the Revised Code. The retired peace officer may be 2488
required to pay the cost of the course. 2489

If a retired peace officer who satisfies the criteria set 2490
forth in divisions (F)(2)(a)(i) to (v) of this section attends a 2491

firearms requalification program that is approved for purposes of 2492
firearms requalification required under section 109.801 of the 2493
Revised Code, the retired peace officer's successful completion of 2494
the firearms requalification program requalifies the retired peace 2495
officer for purposes of division (F) of this section for one year 2496
from the date on which the program was successfully completed, and 2497
the requalification is valid during that one-year period. If a 2498
retired peace officer who satisfies the criteria set forth in 2499
divisions (F)(2)(a)(i) to (v) of this section satisfactorily 2500
completes such a firearms requalification program, the retired 2501
peace officer shall be issued a firearms requalification 2502
certification that identifies the retired peace officer by name, 2503
identifies the entity that taught the program, specifies that the 2504
retired peace officer successfully completed the program, 2505
specifies the date on which the course was successfully completed, 2506
and specifies that the requalification is valid for one year from 2507
that date of successful completion. The firearms requalification 2508
certification for a retired peace officer may be included in the 2509
retired peace officer identification card issued to the retired 2510
peace officer under division (F)(2) of this section. 2511

A retired peace officer who attends a firearms 2512
requalification program that is approved for purposes of firearms 2513
requalification required under section 109.801 of the Revised Code 2514
may be required to pay the cost of the program. 2515

(4) As used in division (F) of this section: 2516

(a) "Qualified retired peace officer" means a person who 2517
satisfies all of the following: 2518

(i) The person satisfies the criteria set forth in divisions 2519
(F)(2)(a)(i) to (v) of this section. 2520

(ii) The person is not under the influence of alcohol or 2521
another intoxicating or hallucinatory drug or substance. 2522

(iii) The person is not prohibited by federal law from 2523
receiving firearms. 2524

(b) "Retired peace officer identification card" means an 2525
identification card that is issued pursuant to division (F)(2) of 2526
this section to a person who is a retired peace officer. 2527

Sec. 2923.127. (A) If a sheriff denies an application for a 2528
license to carry a concealed handgun, denies the renewal of a 2529
license to carry a concealed handgun, or denies an application for 2530
a temporary emergency license to carry a concealed handgun as a 2531
result of the criminal records check conducted pursuant to section 2532
311.41 of the Revised Code and if the applicant believes the 2533
denial was based on incorrect information reported by the source 2534
the sheriff used in conducting the criminal records check, the 2535
applicant may challenge the criminal records check results using 2536
whichever of the following is applicable: 2537

(1) If the bureau of criminal identification and 2538
investigation performed the criminal records check, by using the 2539
bureau's existing challenge and review procedures; 2540

(2) If division (A)(1) of this section does not apply, by 2541
using the ~~sheriff's~~ existing challenge and review procedure of the 2542
sheriff who denied the application or, if the sheriff does not 2543
have a challenge and review procedure, by using the challenge and 2544
review procedure prescribed by the bureau of criminal 2545
identification and investigation pursuant to division (B) of this 2546
section. 2547

(B) The bureau of criminal identification and investigation 2548
shall prescribe a challenge and review procedure for applicants to 2549
use to challenge criminal records checks under division (A)(2) of 2550
this section in counties in which the sheriff with whom the 2551
application for a license to carry a concealed handgun or for the 2552

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)(a) If a licensee holding a valid
license issued under section 2923.125 or 2923.1213 of the Revised
Code is arrested for or otherwise charged with an offense
described in division (D)(1)(d) of section 2923.125 of the Revised
Code or with a violation of section 2923.15 of the Revised Code or
becomes subject to a temporary protection order or to a protection
order issued by a court of another state that is substantially
equivalent to a temporary protection order, the sheriff who issued
the license or temporary emergency license shall suspend it and
shall comply with division (A)(3) of this section upon becoming
aware of the arrest, charge, or protection order. Upon suspending
the license or temporary emergency license, the sheriff also shall
comply with division (H) of section 2923.125 of the Revised Code.

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

(2)(a) If a licensee holding a valid license issued under

section 2923.125 or 2923.1213 of the Revised Code is convicted of
or pleads guilty to a misdemeanor violation of division (B)(1),
(2), or (4) of section 2923.12 of the Revised Code or of division
(E)(3), (4), or (6) of section 2923.16 of the Revised Code, the
sheriff who issued the license or temporary emergency license
shall suspend it and shall comply with division (A)(3) of this
section upon becoming aware of the conviction or guilty plea. Upon
suspending the license or temporary emergency license, the sheriff
also shall comply with division (H) of section 2923.125 of the
Revised Code.

(b) A suspension under division (A)(2)(a) of this section
shall be considered as beginning on the date that the licensee is
convicted of or pleads guilty to the offense described in that
division, irrespective of when the sheriff notifies the licensee
under division (A)(3) of this section. If the suspension is
imposed for a misdemeanor violation of division (B)(1) or (2) of
section 2923.12 of the Revised Code or of division (E)(3) or (4)
of section 2923.16 of the Revised Code, it shall end of the date
that is one year after the date that the licensee is convicted of
or pleads guilty to that violation. If the suspension is imposed
for a misdemeanor violation of division (B)(4) of section 2923.12
of the Revised Code or of division (E)(6) of section 2923.16 of
the Revised Code, it shall end on the date that is two years after
the date that the licensee is convicted of or pleads guilty to
that violation. If the licensee's license was issued under section
2923.125 of the Revised Code and the license remains valid after
the suspension ends as described in this division, when the
suspension ends, the sheriff shall return the license to the
licensee. If the licensee's license was issued under section
2923.125 of the Revised Code and the license expires before the
suspension ends as described in this division, or if the
licensee's license was issued under section 2923.1213 of the

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Revised Code, the licensee is not eligible to apply for a new license under section 2923.125 or 2923.1213 of the Revised Code or to renew the license under section 2923.125 of the Revised Code until after the suspension ends as described in this division.

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(3) Upon becoming aware of an arrest, charge, or protection order described in division (A)(1)(a) of this section with respect to a licensee who was issued a license under section 2923.125 or 2923.1213 of the Revised Code, or a conviction of or plea of guilty to a misdemeanor offense described in division (A)(2)(a) of this section with respect to a licensee who was issued a license under either section, the sheriff who issued the licensee's license or temporary emergency license to carry a concealed handgun shall notify the licensee, by certified mail, return receipt requested, at the licensee's last known residence address that the license or temporary emergency license has been suspended and that the licensee is required to surrender the license or temporary emergency license at the sheriff's office within ten days of the date on which the notice was mailed. If the suspension is pursuant to division (A)(2) of this section, the notice shall identify the date on which the suspension ends.

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(B)(1) 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 shall revoke the license or temporary emergency license in accordance with division (B)(2) of this section upon becoming aware that the licensee satisfies any of the following:

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

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(b) At the time of the issuance of the license or temporary emergency license, the licensee did not satisfy the eligibility requirements of division (D)(1)(c), (d), (e), (f), (g), or (h) of section 2923.125 of the Revised Code.

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(c) On or after the date on which the license or temporary
emergency license was issued, the licensee is convicted of or
pleads guilty to a violation of section 2923.15 of the Revised
Code or an offense described in division (D)(1)(e), (f), (g), or
(h) of section 2923.125 of the Revised Code.

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

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

(f) On or after the date on which the license or temporary
emergency license was issued, the licensee is adjudicated as a
mental defective or is committed to a mental institution.

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

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

(2) Upon becoming aware of any circumstance listed in
division (B)(1) of this section that applies to a particular
licensee who was issued a license under section 2923.125 or
2923.1213 of the Revised Code, the sheriff who issued the license
or temporary emergency license to carry a concealed handgun to the
licensee shall notify the licensee, by certified mail, return
receipt requested, at the licensee's last known residence address

that the license or temporary emergency license is subject to
revocation and that the licensee may come to the sheriff's office
and contest the sheriff's proposed revocation within fourteen days
of the date on which the notice was mailed. After the fourteen-day
period and after consideration of any information that the
licensee provides during that period, if the sheriff determines on
the basis of the information of which the sheriff is aware that
the licensee is described in division (B)(1) of this section and
no longer satisfies the requirements described in division (D)(1)
of section 2923.125 of the Revised Code that are applicable to the
licensee's type of license, the sheriff shall revoke the license
or temporary emergency license, notify the licensee of that fact,
and require the licensee to surrender the license or temporary
emergency license. Upon revoking the license or temporary
emergency license, the sheriff also shall comply with division (H)
of section 2923.125 of the Revised Code.

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Sec. 2923.1210. The application for a license to carry a
concealed handgun or for the renewal of a license of that nature
that is to be used under section 2923.125 of the Revised Code
shall conform substantially to the following form:

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"Ohio Peace APPLICATION FOR A LICENSE TO
Officer CARRY A CONCEALED HANDGUN
Training
Commission

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Please Type or Print in Ink

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SECTION I.

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This application will not be processed unless
all applicable questions have been answered and
until all required supporting documents as
described in division (B) or (F) of section
2923.125 of the Ohio Revised Code and, unless
waived, a cashier's check, certified check, or

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money order in the amount of the applicable license fee or license renewal fee have been submitted. FEES ARE NONREFUNDABLE.

SECTION II. 2702

Name: 2703

Last First Middle 2704

..... 2705

Social Security Number:..... 2706

Current Residence: 2707

Street City State County Zip 2708

..... 2709

Mailing Address (If Different From Above): 2710

Street City State Zip 2711

..... 2712

Date of Birth Place of Birth Sex Race Residence 2713

Telephone

...../...../..... (.....)..... 2714

SECTION III. THE FOLLOWING QUESTIONS ARE TO BE ANSWERED YES OR NO 2715

(1)(a) Are you legally living in the United States? YES NO 2716

(b) Have you been a resident of Ohio for at 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? YES NO 2717

(2) Are you at least twenty-one years of age? YES NO 2718

(3) Are you a fugitive from justice? YES NO 2719

(4) Are you under indictment for a felony, have you ever been convicted of or pleaded guilty to a felony, or have you ever been adjudicated a delinquent child for committing YES NO 2720

an act that would be a felony if committed by an adult?

(5) Are you under indictment for or otherwise 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? YES NO 2721

(6) Are you under indictment for or otherwise 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? YES NO 2722

(7) Are you under indictment for or otherwise 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? YES NO 2723

(8)(a) Are you under indictment for or otherwise charged with assault or negligent assault?	.... YES	.... NO	2724
(b) Have you been convicted of, pleaded guilty 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?	.... YES	.... NO	2725
(c) Have you ever been convicted of, pleaded guilty to, or adjudicated a delinquent child for assaulting a peace officer?	.... YES	.... NO	2726
(9)(a) Have you ever been adjudicated as a mental defective?	.... YES	.... NO	2727
(b) Have you ever been committed to a mental institution?	.... YES	.... NO	2728
(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	2729
<u>(11) Are you currently subject to a suspension imposed under division (A)(2) of section 2923.128 of the Revised Code of a license to carry a concealed handgun, or a temporary emergency license to carry a concealed handgun, that previously was issued to you?</u>	<u>.... YES</u>	<u>.... NO</u>	2730
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 <u>RELEVANT</u> INFORMATION, ATTACH IT TO THE APPLICATION, AND NOTE THE			2731 2732 2733 2734 2735 2736 2737 2738

ATTACHMENT AT THE END OF THIS SECTION.	2739
Residence 1:	2740
Street City State County Zip	2741
.....	2742
Dates of residence at this address	2743
Residence 2:	2744
Street City State County Zip	2745
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Dates of residence at this address	2747
Residence 3:	2748
Street City State County Zip	2749
.....	2750
Dates of residence at this address	2751
Residence 4:	2752
Street City State County Zip	2753
.....	2754
Dates of residence at this address	2755
SECTION V.	2756
YOU MUST COMPLETE THIS SECTION OF THE APPLICATION BY ANSWERING THE QUESTION POSED IN PART (1) AND, IF THE ANSWER TO THE QUESTION IS "YES," BY PROVIDING IN PART (2) THE INFORMATION SPECIFIED. IF YOU NEED MORE SPACE, COMPLETE AN ADDITIONAL SHEET WITH THE RELEVANT INFORMATION, ATTACH IT TO THE APPLICATION, AND NOTE THE ATTACHMENT AT THE END OF THIS SECTION.	2757
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(1) <u>Have you previously applied in any county</u> YES NO	2763
<u>in Ohio or in any other state for a license to</u>	
<u>carry a concealed handgun or a temporary</u>	
<u>emergency license to carry a concealed</u>	
<u>handgun?</u>	
(2) <u>If your answer to the question in part (1) of this section of</u>	2764
<u>the application is "yes," you must complete this part by listing</u>	2765

<u>each county in Ohio, and each other state, in which you previously</u>	2766
<u>applied for either type of license and, to the best of your</u>	2767
<u>knowledge, the date on which you made the application.</u>	2768
<u>Previous application made in (insert name of Ohio</u>	2769
<u>county or other state) on (insert date of</u>	2770
<u>application.)</u>	2771
<u>Previous application made in (insert name of Ohio</u>	2772
<u>county or other state) on (insert date of</u>	2773
<u>application.)</u>	2774
<u>Previous application made in (insert name of Ohio</u>	2775
<u>county or other state) on (insert date of</u>	2776
<u>application.)</u>	2777
<u>Previous application made in (insert name of Ohio</u>	2778
<u>county or other state) on (insert date of</u>	2779
<u>application.)</u>	2780
<u>SECTION VI.</u>	2781
AN APPLICANT WHO KNOWINGLY GIVES A FALSE ANSWER TO ANY QUESTION OR	2782
SUBMITS FALSE INFORMATION ON, OR A FALSE DOCUMENT WITH THE	2783
APPLICATION MAY BE PROSECUTED FOR FALSIFICATION TO OBTAIN A	2784
CONCEALED HANDGUN LICENSE, A FELONY OF THE FOURTH DEGREE, IN	2785
VIOLATION OF SECTION 2921.13 OF THE OHIO REVISED CODE.	2786
(1) I have been furnished, and have read, the pamphlet that	2787
explains the Ohio firearms laws, that provides instruction in	2788
dispute resolution and explains the Ohio laws related to that	2789
matter, and that provides information regarding all aspects	2790
of the use of deadly force with a firearm, and I am	2791
knowledgeable of the provisions of those laws and of the	2792
information on those matters.	2793
(2) I desire a legal means to carry a concealed handgun for	2794
defense of myself or a member of my family while engaged in	2795

lawful activity.	2796
(3) I have never been convicted of or pleaded guilty to a crime of violence in the state of Ohio or elsewhere. I am of sound mind. I hereby certify that the statements contained herein are true and correct to the best of my knowledge and belief. I understand that if I knowingly make any false statements herein I am subject to penalties prescribed by law. I authorize the sheriff or the sheriff's designee to inspect only those records or documents relevant to information required for this application.	2797 2798 2799 2800 2801 2802 2803 2804 2805
(4) The information contained in this application and all attached documents are true and correct to the best of my knowledge.	2806 2807
..... Signature of Applicant"	2808 2809
Sec. 2923.1213. (A) As used in this section:	2810
(1) "Evidence of imminent danger" means any of the following:	2811
(a) A statement sworn by the person seeking to carry a concealed handgun that is made under threat of perjury and that states that the person has reasonable cause to fear a criminal attack upon the person or a member of the person's family, such as would justify a prudent person in going armed;	2812 2813 2814 2815 2816
(b) A written document prepared by a governmental entity or public official describing the facts that give the person seeking to carry a concealed handgun reasonable cause to fear a criminal attack upon the person or a member of the person's family, such as would justify a prudent person in going armed. Written documents of this nature include, but are not limited to, any temporary protection order, civil protection order, protection order issued by another state, or other court order, any court report, and any report filed with or made by a law enforcement agency or	2817 2818 2819 2820 2821 2822 2823 2824 2825

prosecutor. 2826

(2) "Prosecutor" has the same meaning as in section 2935.01 2827
of the Revised Code. 2828

(B)(1) A person seeking a temporary emergency license to 2829
carry a concealed handgun shall submit to the sheriff of the 2830
county in which the person resides all of the following: 2831

(a) Evidence of imminent danger to the person or a member of 2832
the person's family; 2833

(b) A sworn affidavit that contains all of the information 2834
required to be on the license and attesting that the person is 2835
legally living in the United States; is at least twenty-one years 2836
of age; is not a fugitive from justice; is not under indictment 2837
for or otherwise charged with an offense identified in division 2838
(D)(1)(d) of section 2923.125 of the Revised Code; has not been 2839
convicted of or pleaded guilty to an offense, and has not been 2840
adjudicated a delinquent child for committing an act, identified 2841
in division (D)(1)(e) of that section; within three years of the 2842
date of the submission, has not been convicted of or pleaded 2843
guilty to an offense, and has not been adjudicated a delinquent 2844
child for committing an act, identified in division (D)(1)(f) of 2845
that section; within five years of the date of the submission, has 2846
not been convicted of, pleaded guilty, or adjudicated a delinquent 2847
child for committing two or more violations identified in division 2848
(D)(1)(g) of that section; within ten years of the date of the 2849
submission, has not been convicted of, pleaded guilty, or 2850
adjudicated a delinquent child for committing a violation 2851
identified in division (D)(1)(h) of that section; has not been 2852
adjudicated as a mental defective, has not been committed to any 2853
mental institution, is not under adjudication of mental 2854
incompetence, has not been found by a court to be a mentally ill 2855
person subject to hospitalization by court order, and is not an 2856

involuntary patient other than one who is a patient only for 2857
purposes of observation, as described in division (D)(1)(i) of 2858
that section; ~~and~~ is not currently subject to a civil protection 2859
order, a temporary protection order, or a protection order issued 2860
by a court of another state, as described in division (D)(1)(j) of 2861
that section; and is not currently subject to a suspension imposed 2862
under division (A)(2) of section 2923.128 of the Revised Code of a 2863
license to carry a concealed handgun, or a temporary emergency 2864
license to carry a concealed handgun, that previously was issued 2865
to the person; 2866

(c) A temporary emergency license fee established by the Ohio 2867
peace officer training commission for an amount that does not 2868
exceed the actual cost of conducting the criminal background check 2869
or thirty dollars; 2870

(d) A set of fingerprints of the applicant provided as 2871
described in section 311.41 of the Revised Code through use of an 2872
electronic fingerprint reading device or, if the sheriff to whom 2873
the application is submitted does not possess and does not have 2874
ready access to the use of an electronic fingerprint reading 2875
device, on a standard impression sheet prescribed pursuant to 2876
division (C)(2) of section 109.572 of the Revised Code. If the 2877
fingerprints are provided on a standard impression sheet, the 2878
person also shall provide the person's social security number to 2879
the sheriff. 2880

(2) A sheriff shall accept the evidence of imminent danger, 2881
the sworn affidavit, the fee, and the set of fingerprints required 2882
under division (B)(1) of this section at the times and in the 2883
manners described in division (I) of this section. Upon receipt of 2884
the evidence of imminent danger, the sworn affidavit, the fee, and 2885
the set of fingerprints required under division (B)(1) of this 2886
section, the sheriff, in the manner specified in section 311.41 of 2887
the Revised Code, immediately shall conduct or cause to be 2888

conducted the criminal records check and the incompetency records 2889
check described in section 311.41 of the Revised Code. Immediately 2890
upon receipt of the results of the records checks, the sheriff 2891
shall review the information and shall determine whether the 2892
criteria set forth in divisions (D)(1)(a) to (j) and (m) of 2893
section 2923.125 of the Revised Code apply regarding the person. 2894
If the sheriff determines that all of criteria set forth in 2895
divisions (D)(1)(a) to (j) and (m) of section 2923.125 of the 2896
Revised Code apply regarding the person, the sheriff shall 2897
immediately make available through the law enforcement automated 2898
data system all information that will be contained on the 2899
temporary emergency license for the person if one is issued, and 2900
the superintendent of the state highway patrol shall ensure that 2901
the system is so configured as to permit the transmission through 2902
the system of that information. Upon making that information 2903
available through the law enforcement automated data system, the 2904
sheriff shall immediately issue to the person a temporary 2905
emergency license to carry a concealed handgun. 2906

If the sheriff denies the issuance of a temporary emergency 2907
license to the person, the sheriff shall specify the grounds for 2908
the denial in a written notice to the person. The person may 2909
appeal the denial, or challenge criminal records check results 2910
that were the basis of the denial if applicable, in the same 2911
manners specified in division (D)(2) of section 2923.125 and in 2912
section 2923.127 of the Revised Code, regarding the denial of an 2913
application for a license to carry a concealed handgun under that 2914
section. 2915

The temporary emergency license under this division shall be 2916
in the form, and shall include all of the information, described 2917
in divisions (A)(2) and (5) of section 109.731 of the Revised 2918
Code, and also shall include a unique combination of identifying 2919
letters and numbers in accordance with division (A)(4) of that 2920

section.

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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.

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(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.

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(D) A sheriff who issues a temporary emergency license to carry a concealed handgun under this section shall not require a person seeking to carry a concealed handgun in accordance with this section to submit a competency certificate as a prerequisite for issuing the license and shall comply with division (H) of section 2923.125 of the Revised Code in regards to the license. The sheriff shall suspend or revoke the license in accordance with section 2923.128 of the Revised Code. In addition to the suspension or revocation procedures set forth in section 2923.128 of the Revised Code, the sheriff may revoke the license upon receiving information, verifiable by public documents, that the person is not eligible to possess a firearm under either the laws of this state or of the United States or that the person committed

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perjury in obtaining the license; if the sheriff revokes a license 2953
under this additional authority, the sheriff shall notify the 2954
person, by certified mail, return receipt requested, at the 2955
person's last known residence address that the license has been 2956
revoked and that the person is required to surrender the license 2957
at the sheriff's office within ten days of the date on which the 2958
notice was mailed. Division (H) of section 2923.125 of the Revised 2959
Code applies regarding any suspension or revocation of a temporary 2960
emergency license to carry a concealed handgun. 2961

(E) A sheriff who issues a temporary emergency license to 2962
carry a concealed handgun under this section shall retain, for the 2963
entire period during which the temporary emergency license is in 2964
effect, the evidence of imminent danger that the person submitted 2965
to the sheriff and that was the basis for the license, or a copy 2966
of that evidence, as appropriate. 2967

(F) If a temporary emergency license to carry a concealed 2968
handgun issued under this section is lost or is destroyed, the 2969
licensee may obtain from the sheriff who issued that license a 2970
duplicate license upon the payment of a fee of fifteen dollars and 2971
the submission of an affidavit attesting to the loss or 2972
destruction of the license. The sheriff, in accordance with the 2973
procedures prescribed in section 109.731 of the Revised Code, 2974
shall place on the replacement license a combination of 2975
identifying numbers different from the combination on the license 2976
that is being replaced. 2977

(G) The Ohio peace officer training commission shall 2978
prescribe, and shall make available to sheriffs, a standard form 2979
to be used under division (B) of this section by a person who 2980
applies for a temporary emergency license to carry a concealed 2981
handgun on the basis of imminent danger of a type described in 2982
division (A)(1)(a) of this section. 2983

(H) A sheriff who receives any fees paid by a person under 2984
this section shall deposit all fees so paid into the sheriff's 2985
concealed handgun license issuance expense fund established under 2986
section 311.42 of the Revised Code. 2987

(I) A sheriff shall accept evidence of imminent danger, a 2988
sworn affidavit, the fee, and the set of fingerprints specified in 2989
division (B)(1) of this section at any time during normal business 2990
hours. In no case shall a sheriff require an appointment, or 2991
designate a specific period of time, for the submission or 2992
acceptance of evidence of imminent danger, a sworn affidavit, the 2993
fee, and the set of fingerprints specified in division (B)(1) of 2994
this section, or for the provision to any person of a standard 2995
form to be used for a person to apply for a temporary emergency 2996
license to carry a concealed handgun. 2997

Sec. 2923.16. (A) No person shall knowingly discharge a 2998
firearm while in or on a motor vehicle. 2999

(B) No person shall knowingly transport or have a loaded 3000
firearm in a motor vehicle in such a manner that the firearm is 3001
accessible to the operator or any passenger without leaving the 3002
vehicle. 3003

(C) No person shall knowingly transport or have a firearm in 3004
a motor vehicle, unless it is unloaded and is carried in one of 3005
the following ways: 3006

(1) In a closed package, box, or case; 3007

(2) In a compartment that can be reached only by leaving the 3008
vehicle; 3009

(3) In plain sight and secured in a rack or holder made for 3010
the purpose; 3011

(4) In plain sight with the action open or the weapon 3012
stripped, or, if the firearm is of a type on which the action will 3013

not stay open or which cannot easily be stripped, in plain sight. 3014

(D) No person shall knowingly transport or have a loaded 3015
handgun in a motor vehicle if, at the time of that transportation 3016
or possession, any of the following applies: 3017

(1) The person is under the influence of alcohol, a drug of 3018
abuse, or a combination of them. 3019

(2) The person's whole blood, blood serum or plasma, breath, 3020
or urine contains a concentration of alcohol prohibited for 3021
persons operating a vehicle, as specified in division (A) of 3022
section 4511.19 of the Revised Code, regardless of whether the 3023
person at the time of the transportation or possession as 3024
described in this division is the operator of or a passenger in 3025
the motor vehicle. 3026

(E) No person who has been issued a license or temporary 3027
emergency license to carry a concealed handgun under section 3028
2923.125 or 2923.1213 of the Revised Code shall do any of the 3029
following: 3030

(1) Knowingly transport or have a loaded handgun in a motor 3031
vehicle unless ~~the~~ one of the following applies: 3032

(a) The loaded handgun either is in a holster and in plain 3033
sight on the person's person or it. 3034

(b) The loaded handgun is in a closed case, bag, box, or 3035
other container that is in plain sight and that has a lid, a 3036
cover, or a closing mechanism with a zipper, snap, or buckle, 3037
which lid, cover, or closing mechanism must be opened for a person 3038
to gain access to the handgun. 3039

(c) The loaded handgun is securely encased by being stored in 3040
a closed, locked glove compartment or in a case that is in plain 3041
sight and that is locked. 3042

(2) If the person is transporting or has a loaded handgun in 3043

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

(3) 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 or is the driver or an
occupant of a commercial motor vehicle that is stopped by an
employee of the motor carrier enforcement unit for the purposes
defined in section 5503.34 of the Revised Code, and if the person
is transporting or has a loaded handgun in the motor vehicle or
commercial motor vehicle in any manner, fail to do any of the
following that is applicable:

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

(b) If the person is the driver or an occupant of a
commercial motor vehicle stopped by an employee of the motor
carrier enforcement unit for any of the defined purposes, fail to
promptly inform the employee of the unit who approaches the
vehicle while stopped that the person has been issued a license or
temporary emergency license to carry a concealed handgun and that

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the person then possesses or has a loaded handgun in the
commercial motor vehicle.

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

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(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, case, bag, box, container, or 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;

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(6) If the person is the driver or an occupant of a motor vehicle that is stopped as a result of a traffic stop or a stop for another law enforcement purpose and if the person is transporting or has a loaded handgun in the motor vehicle in any manner, knowingly disregard or fail to comply with any lawful order of any law enforcement officer given while the motor vehicle is stopped, including, but not limited to, a specific order to the person to keep the person's hands in plain sight.

(F)(1) ~~This~~ Divisions (A), (B), (C), and (E) of this section does do not apply to officers any of the following:

(a) An officer, agents agent, or employees employee of this or any other state or the United States, or to a law enforcement officers officer, when authorized to carry or have loaded or accessible firearms in motor vehicles and acting within the scope of their the officer's, agent's, or employee's duties;

(b) Any person who is employed in this state, who is authorized to carry or have loaded or accessible firearms in motor vehicles, and 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 in division (F)(1)(b) of this section 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
death of or physical harm to another and that was committed by
discharging a firearm from a motor vehicle.

(3) Divisions (B) and (C) of this section do not apply to a
person if all of the following circumstances apply:

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

(b) The motor vehicle 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 3169
(D)(3)(b) of this section, is the spouse or a child of another 3170
person who owns that real property, is a tenant of another person 3171
who owns that real property, or is the spouse or a child of a 3172
tenant of another person who owns that real property. 3173

(d) The person, prior to arriving at the real property 3174
described in division (D)(3)(b) of this section, did not transport 3175
or possess a firearm in the motor vehicle in a manner prohibited 3176
by division (B) or (C) of this section while the motor vehicle was 3177
being operated on a street, highway, or other public or private 3178
property used by the public for vehicular traffic or parking. 3179

(4) Divisions (B) and (C) of this section do not apply to a 3180
person who transports or possesses a handgun in a motor vehicle 3181
if, at the time of that transportation or possession, all of the 3182
following apply: 3183

(a) The person transporting or possessing the handgun is 3184
carrying a valid license or temporary emergency license to carry a 3185
concealed handgun issued to the person under section 2923.125 or 3186
2923.1213 of the Revised Code or a license to carry a concealed 3187
handgun that was issued by another state with which the attorney 3188
general has entered into a reciprocity agreement under section 3189
109.69 of the Revised Code. 3190

(b) The person transporting or possessing the handgun is not 3191
knowingly in a place described in division (B) of section 2923.126 3192
of the Revised Code. 3193

(c) ~~Either the~~ One of the following applies: 3194

(i) The handgun is in a holster and in plain sight on the 3195
person's person or the 3196

(ii) The handgun is in a closed case, bag, box, or other 3197
container that is in plain sight and that has a lid, a cover, or a 3198

closing mechanism with a zipper, snap, or buckle, which lid, 3199
cover, or closing mechanism must be opened for a person to gain 3200
access to the handgun. 3201

(iii) The handgun is securely encased by being stored in a 3202
closed, locked glove compartment or in a case that is ~~in plain~~ 3203
~~sight and that is~~ locked. 3204

(G)(1) The affirmative defenses authorized in divisions 3205
(D)(1) and (2) of section 2923.12 of the Revised Code are 3206
affirmative defenses to a charge under division (B) or (C) of this 3207
section that involves a firearm other than a handgun. 3208

(2) It is an affirmative defense to a charge under division 3209
(B) or (C) of this section of improperly handling firearms in a 3210
motor vehicle that the actor transported or had the firearm in the 3211
motor vehicle for any lawful purpose and while the motor vehicle 3212
was on the actor's own property, provided that this affirmative 3213
defense is not available unless the person, prior to arriving at 3214
the actor's own property, did not transport or possess the firearm 3215
in a motor vehicle in a manner prohibited by division (B) or (C) 3216
of this section while the motor vehicle was being operated on a 3217
street, highway, or other public or private property used by the 3218
public for vehicular traffic. 3219

(H) No person who is charged with a violation of division 3220
(B), (C), or (D) of this section shall be required to obtain a 3221
license or temporary emergency license to carry a concealed 3222
handgun under section 2923.125 or 2923.1213 of the Revised Code as 3223
a condition for the dismissal of the charge. 3224

(I) Whoever violates this section is guilty of improperly 3225
handling firearms in a motor vehicle. Violation of division (A) of 3226
this section is a felony of the fourth degree. Violation of 3227
division (C) of this section is a misdemeanor of the fourth 3228
degree. A violation of division (D) of this section is a felony of 3229

the fifth degree or, if the loaded handgun is concealed on the 3230
person's person, a felony of the fourth degree. A violation of 3231
division (E)(3) of this section is a misdemeanor of the ~~fourth~~ 3232
first degree, and, in addition to any other penalty or sanction 3233
imposed for the violation, the offender's license or temporary 3234
emergency license to carry a concealed handgun shall be suspended 3235
pursuant to division (A)(2) of section 2923.128 of the Revised 3236
Code. A violation of division (E)(1), (2), or (5) of this section 3237
is a felony of the fifth degree. A violation of division (E)(4) or 3238
(6) of this section is a misdemeanor of the first degree or, if 3239
the offender previously has been convicted of or pleaded guilty to 3240
a violation of division (E)(4) or (6) of this section, a felony of 3241
the fifth degree. In addition to any other penalty or sanction 3242
imposed for a misdemeanor violation of division (E)(4) or (6) of 3243
this section, the offender's license or temporary emergency 3244
license to carry a concealed handgun shall be suspended pursuant 3245
to division (A)(2) of section 2923.128 of the Revised Code. A 3246
violation of division (B) of this section is whichever of the 3247
following is applicable: 3248

(1) If, at the time of the transportation or possession in 3249
violation of division (B) of this section, the offender was 3250
carrying a valid license or temporary emergency license to carry a 3251
concealed handgun issued to the offender under section 2923.125 or 3252
2923.1213 of the Revised Code or a license to carry a concealed 3253
handgun that was issued by another state with which the attorney 3254
general has entered into a reciprocity agreement under section 3255
109.69 of the Revised Code and the offender was not knowingly in a 3256
place described in division (B) of section 2923.126 of the Revised 3257
Code, the violation is a misdemeanor of the first degree or, if 3258
the offender previously has been convicted of or pleaded guilty to 3259
a violation of division (B) of this section, a felony of the 3260
fourth degree. 3261

(2) If division (I)(1) of this section does not apply, a 3262
felony of the fourth degree. 3263

(J) If a law enforcement officer stops a motor vehicle for a 3264
traffic stop or any other purpose, if any person in the motor 3265
vehicle surrenders a firearm to the officer, either voluntarily or 3266
pursuant to a request or demand of the officer, and if the officer 3267
does not charge the person with a violation of this section or 3268
arrest the person for any offense, the person is not otherwise 3269
prohibited by law from possessing the firearm, and the firearm is 3270
not contraband, the officer shall return the firearm to the person 3271
at the termination of the stop. 3272

(K) As used in this section: 3273

(1) "Motor vehicle," "street," and "highway" have the same 3274
meanings as in section 4511.01 of the Revised Code. 3275

(2) "Occupied structure" has the same meaning as in section 3276
2909.01 of the Revised Code. 3277

(3) "Agriculture" has the same meaning as in section 519.01 3278
of the Revised Code. 3279

(4) "Tenant" has the same meaning as in section 1531.01 of 3280
the Revised Code. 3281

(5) "Unloaded" means, with respect to a firearm employing a 3282
percussion cap, flintlock, or other obsolete ignition system, when 3283
the weapon is uncapped or when the priming charge is removed from 3284
the pan. 3285

(6) "Commercial motor vehicle" has the same meaning as in 3286
division (A) of section 4506.25 of the Revised Code. 3287

(7) "Motor carrier enforcement unit" means the motor carrier 3288
enforcement unit in the department of public safety, division of 3289
state highway patrol, that is created by section 5503.34 of the 3290
Revised Code. 3291

Section 2. That existing sections 109.71, 109.731, 109.801, 3292
311.41, 1547.69, 2903.11, 2903.12, 2903.13, 2913.01, 2913.02, 3293
2923.12, 2923.121, 2923.122, 2923.123, 2923.124, 2923.125, 3294
2923.126, 2923.127, 2923.128, 2923.1210, 2923.1213, and 2923.16 of 3295
the Revised Code are hereby repealed. 3296

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