

**As Reported by the House Criminal Justice Committee**

**126th General Assembly  
Regular Session  
2005-2006**

**Sub. H. B. No. 347**

**Representatives Aslanides, Buehrer, Latta, Webster, Garrison, Hagan,  
Reidelbach, Widener, 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**

—

**A BILL**

To amend sections 109.731, 109.801, 311.41, 1547.69, 1  
2923.12, 2923.121, 2923.122, 2923.123, 2923.125, 2  
2923.126, 2923.127, 2923.128, 2923.1210, 3  
2923.1213, and 2923.16 and to enact section 9.68 4  
of the Revised Code to revise the laws regarding 5  
licenses to carry a concealed handgun and the 6  
authority to carry a concealed handgun under such 7  
a license; to provide exemptions from certain 8  
carrying of firearms-related offenses for persons 9  
in compliance with the Ohio Peace Officer Training 10  
Commission's firearms requalification program; and 11  
to identify the right of any person, except as 12  
provided in the U.S. or Ohio Constitution, federal 13  
law, or Revised Code, to own, possess, purchase, 14  
sell, transfer, transport, store, or keep a 15  
firearm, part of a firearm, firearm component, or 16  
ammunition. 17

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

Section 1. That sections 109.731, 109.801, 311.41, 1547.69, 18  
2923.12, 2923.121, 2923.122, 2923.123, 2923.125, 2923.126, 19  
2923.127, 2923.128, 2923.1210, 2923.1213, and 2923.16 be amended 20  
and section 9.68 of the Revised Code be enacted to read as 21  
follows: 22

Sec. 9.68. (A) The individual right to keep and bear arms, 23  
being a fundamental individual right that predates the United 24  
States Constitution and Ohio Constitution, and being a 25  
constitutionally protected right in every part of Ohio, the 26  
general assembly finds the need to provide uniform laws throughout 27  
the state regulating the ownership, possession, purchase, other 28  
acquisition, transport, storage, carrying, sale, or other transfer 29  
of firearms, their components, and their ammunition. Except as 30  
specifically provided by the United States Constitution, Ohio 31  
Constitution, state law, or federal law, a person, without further 32  
license, permission, restriction, delay, or process, may own, 33  
possess, purchase, sell, transfer, transport, store, or keep any 34  
firearm, part of a firearm, its components, and its ammunition. 35

(B) In addition to any other relief provided, the court shall 36  
award costs and reasonable attorney fees to any person, group, or 37  
entity that prevails in a challenge to an ordinance, rule, or 38  
regulation as being in conflict with this section. 39

(C) As used in this section: 40

(1) The possession, transporting, or carrying of firearms, 41  
their components, or their ammunition include, but are not limited 42  
to, the possession, transporting, or carrying, openly or concealed 43  
on a person's person or concealed ready at hand, of firearms, 44  
their components, or their ammunition. 45

(2) "Firearm" has the same meaning as in section 2923.11 of 46  
the Revised Code. 47

(D) This section does not apply to either of the following: 48

(1) A zoning ordinance that regulates or prohibits the 49  
commercial sale of firearms, firearm components, or ammunition for 50  
firearms in areas zoned for residential or agricultural uses; 51

(2) A zoning ordinance that specifies the hours of operation 52  
or the geographic areas where the commercial sale of firearms, 53  
firearm components, or ammunition for firearms may occur, provided 54  
that the zoning ordinance is consistent with zoning ordinances for 55  
other retail establishments in the same geographic area and does 56  
not result in a de facto prohibition of the commercial sale of 57  
firearms, firearm components, or ammunition for firearms in areas 58  
zoned for commercial, retail, or industrial uses. 59

**Sec. 109.731.** (A) The Ohio peace officer training commission 60  
shall prescribe, and shall make available to sheriffs, all of the 61  
following: 62

(1) An application form that is to be used under section 63  
2923.125 of the Revised Code by a person who applies for a license 64  
to carry a concealed handgun or for the renewal of a license of 65  
that nature and that conforms substantially to the form prescribed 66  
in section 2923.1210 of the Revised Code; 67

(2) A form for the license to carry a concealed handgun that 68  
is to be issued by sheriffs to persons who qualify for a license 69  
to carry a concealed handgun under section 2923.125 of the Revised 70  
Code and that conforms to the following requirements: 71

(a) It has space for the licensee's full name, residence 72  
address, and date of birth and for a color photograph of the 73  
licensee. 74

(b) It has space for the date of issuance of the license, its 75  
expiration date, its county of issuance, the name of the sheriff 76  
who issues the license, and the unique combination of letters and 77

numbers that identify the county of issuance and the license given  
to the licensee by the sheriff in accordance with division (A)(4)  
of this section.

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

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(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.

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

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(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;

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(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.

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(B)(1) The Ohio peace officer training commission, in 109  
consultation with the attorney general, shall prepare a pamphlet 110  
that does all of the following, in everyday language: 111

(a) Explains the firearms laws of this state; 112

(b) Instructs the reader in dispute resolution and explains 113  
the laws of this state related to that matter; 114

(c) Provides information to the reader regarding all aspects 115  
of the use of deadly force with a firearm, including, but not 116  
limited to, the steps that should be taken before contemplating 117  
the use of, or using, deadly force with a firearm, possible 118  
alternatives to using deadly force with a firearm, and the law 119  
governing the use of deadly force with a firearm. 120

(2) The attorney general shall consult with and assist the 121  
commission in the preparation of the pamphlet described in 122  
division (B)(1) of this section and, as necessary, shall recommend 123  
to the commission changes in the pamphlet to reflect changes in 124  
the law that are relevant to it. The commission shall make copies 125  
of the pamphlet available to any person, public entity, or private 126  
entity that operates or teaches a training course, class, or 127  
program described in division (B)(3)(a), (b), (c), and (e) of 128  
section 2923.125 of the Revised Code and requests copies for 129  
distribution to persons who take the course, class, or program, 130  
and to sheriffs for distribution to applicants under section 131  
2923.125 of the Revised Code for a license to carry a concealed 132  
handgun and applicants under that section for the renewal of a 133  
license to carry a concealed handgun. 134

(C)(1) The Ohio peace officer training commission, in 135  
consultation with the attorney general, shall prescribe a fee to 136  
be paid by an applicant under section 2923.125 of the Revised Code 137  
for a license to carry a concealed handgun or for the renewal of a 138  
license to carry a concealed handgun ~~as follows:~~ 139

~~(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 limited to, the cost of conducting the criminal records check, or forty five dollars;~~

~~(b) For an applicant who has been a resident of this state for less than five years, . The prescribed fee shall be an amount that shall consist of the actual cost of having a criminal background check performed by the federal bureau of investigation, if one is ~~se~~ performed as provided in section 311.41 of the Revised Code, plus the lesser of the actual cost of issuing the license, including, but not limited to, the cost of conducting the criminal records check, or whichever of the following is applicable:~~

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

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

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

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

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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, as defined in section 109.71 of  
the Revised Code, sheriff, deputy sheriff, marshal, deputy  
marshal, township constable, chief of police or member of an

organized police department of a municipal corporation or 202  
township, chief of police ~~or member~~ of a township police district 203  
police force, superintendent of the state highway patrol, state 204  
highway patrol trooper, ~~special police officer of the state~~ 205  
~~highway patrol designated under section 5503.09 of the Revised~~ 206  
~~Code, enforcement agent employed under section 5502.14 of the~~ 207  
~~Revised Code,~~ or chief of police of a university or college police 208  
department ~~or state university law enforcement officer appointed~~ 209  
~~under section 3345.04 of the Revised Code;~~ any parole or probation 210  
officer who carries a firearm in the course of official duties; 211  
~~any employee of the department of natural resources who is a~~ 212  
~~natural resources law enforcement staff officer, park officer,~~ 213  
~~forest officer, preserve officer, wildlife officer, or state~~ 214  
~~watercraft officer who carries a firearm in the course of official~~ 215  
~~duties;~~ the house of representatives sergeant at arms if the house 216  
of representatives sergeant at arms has arrest authority pursuant 217  
to division (E)(1) of section 101.311 of the Revised Code; any 218  
assistant house of representatives sergeant at arms; any employee 219  
of the department of youth services who is designated pursuant to 220  
division (A)(2) of section 5139.53 of the Revised Code as being 221  
authorized to carry a firearm while on duty as described in that 222  
division; ~~or a special police officer employed by a municipal~~ 223  
~~corporation at a municipal airport or other municipal air~~ 224  
~~navigation facility described in division (A)(19) of section~~ 225  
~~109.71 of the Revised Code or an investigator, as defined in~~ 226  
~~section 109.541 of the Revised Code, of the bureau of criminal~~ 227  
~~identification and investigation who is commissioned by the~~ 228  
~~superintendent of the bureau as a special agent.~~ 229

(2) No person listed in division (A)(1) of this section shall 230  
carry a firearm during the course of official duties if the person 231  
does not comply with division (A)(1) of this section. 232

(B) The hours that a sheriff spends attending a firearms 233



requalification program required by division (A) of this section 234  
are in addition to the sixteen hours of continuing education that 235  
are required by division (E) of section 311.01 of the Revised 236  
Code. 237

(C) As used in this section, "firearm" has the same meaning 238  
as in section 2923.11 of the Revised Code. 239

**Sec. 311.41.** (A)(1) Upon receipt of an application for a 240  
license to carry a concealed handgun under division (C) of section 241  
2923.125 of the Revised Code, an application to renew a license to 242  
carry a concealed handgun under division (F) of that section, or 243  
an application for a temporary emergency license to carry a 244  
concealed handgun under section 2923.1213 of the Revised Code, the 245  
sheriff shall conduct a criminal records check and an incompetency 246  
check of the applicant to determine whether the applicant fails to 247  
meet the criteria described in division (D)(1) of section 2923.125 248  
of the Revised Code. The sheriff shall conduct the criminal 249  
records check and the incompetency records check required by this 250  
division through use of an electronic fingerprint reading device 251  
or, if the sheriff does not possess and does not have ready access 252  
to the use of an electronic fingerprint reading device, by 253  
requesting the bureau of criminal identification and investigation 254  
to conduct the checks as described in this division. ~~In~~ 255

In order to conduct the criminal records check and the 256  
incompetency records check, the sheriff shall obtain the 257  
fingerprints of not more than four fingers of the applicant by 258  
using an electronic fingerprint reading device for the purpose of 259  
conducting the criminal records check and the incompetency records 260  
check or, if the sheriff does not possess and does not have ready 261  
access to the use of an electronic fingerprint reading device, 262  
shall obtain from the applicant a completed standard fingerprint 263  
impression sheet prescribed pursuant to division (C)(2) of section 264

109.572 of the Revised Code. The fingerprints so obtained, along 265  
with the applicant's social security number, shall be used to 266  
conduct the criminal records check and the incompetency records 267  
check. If the sheriff does not use an electronic fingerprint 268  
reading device to obtain the fingerprints and conduct the records 269  
checks, the sheriff shall submit the completed standard 270  
fingerprint impression sheet of the applicant, along with the 271  
applicant's social security number, to the superintendent of the 272  
bureau of criminal identification and investigation and shall 273  
request the bureau to conduct the criminal records check and the 274  
incompetency records check of the applicant and, ~~if necessary,~~ 275  
~~shall request the superintendent of the bureau to obtain~~ 276  
information from the federal bureau of investigation as part of 277  
the criminal records check for the applicant. Upon receipt of the 278  
request, as part of the criminal records check for the applicant, 279  
the superintendent of the bureau of criminal identification and 280  
investigation shall request from the federal bureau of 281  
investigation any information the federal bureau has with respect 282  
to the applicant and shall review or cause to be reviewed, as 283  
described in division (B) of section 109.572 of the Revised Code, 284  
any information the superintendent receives. If it is not possible 285  
to use an electronic fingerprint reading device to conduct an 286  
incompetency records check, the sheriff shall submit the completed 287  
standard fingerprint impression sheet of the applicant, along with 288  
the applicant's social security number, to the superintendent of 289  
the bureau of criminal identification and investigation and shall 290  
request the bureau to conduct the incompetency records check. The 291  
sheriff shall not retain the applicant's fingerprints as part of 292  
the application. 293

(2) Except as otherwise provided in this division, if at any 294  
time the applicant decides not to continue with the application 295  
process, the sheriff immediately shall cease any investigation 296  
that is being conducted under division (A)(1) of this section. The 297

sheriff shall not cease that investigation if, at the time of the applicant's decision not to continue with the application process, the sheriff had determined from any of the sheriff's investigations that the applicant then was engaged in activity of a criminal nature.

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

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application for a license to carry a concealed handgun, the 330  
application to renew a license to carry a concealed handgun, or 331  
the affidavit submitted regarding an application for a temporary 332  
emergency license to carry a concealed handgun that were made in 333  
connection with the criminal records check within twenty days 334  
after completion of that challenge and review. 335

(C) If division (B) of this section applies to a particular 336  
criminal records check or incompetency records check, no sheriff, 337  
employee of a sheriff designated by the sheriff to destroy records 338  
under that division, source the sheriff used in conducting the 339  
criminal records check or incompetency records check, or employee 340  
of the source designated by the chief operating officer of the 341  
source to destroy records under that division shall fail to 342  
destroy or cause to be destroyed within the applicable twenty-day 343  
period specified in that division all records other than the 344  
application for a license to carry a concealed handgun, the 345  
application to renew a license to carry a concealed handgun, or 346  
the affidavit submitted regarding an application for a temporary 347  
emergency license to carry a concealed handgun made in connection 348  
with the particular criminal records check or incompetency records 349  
check. 350

(D) Whoever violates division (C) of this section is guilty 351  
of failure to destroy records, a misdemeanor of the second degree. 352

(E) As used in this section, "handgun" has the same meaning 353  
as in section 2923.11 of the Revised Code. 354

**Sec. 1547.69.** (A) As used in this section: 355

(1) "Firearm" and "handgun" have the same meanings as in 356  
section 2923.11 of the Revised Code. 357

(2) "Unloaded" has the same meaning as in section 2923.16 of 358  
the Revised Code. 359

(B) No person shall knowingly discharge a firearm while in or on a vessel. 360  
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(C) No person shall knowingly transport or have a loaded firearm in a vessel in a manner that the firearm is accessible to the operator or any passenger. 362  
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(D) No person shall knowingly transport or have a firearm in a vessel unless it is unloaded and is carried in one of the following ways: 365  
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(1) In a closed package, box, or case; 368

(2) In plain sight with the action opened or the weapon stripped, or, if the firearm is of a type on which the action will not stay open or that cannot easily be stripped, in plain sight. 369  
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(E)(1) The affirmative defenses authorized in divisions (D)(1) and (2) of section 2923.12 of the Revised Code are affirmative defenses to a charge under division (C) or (D) of this section that involves a firearm other than a handgun. It is an affirmative defense to a charge under division (C) or (D) of this section of transporting or having a firearm of any type, including a handgun, in a vessel that the actor transported or had the firearm in the vessel for any lawful purpose and while the vessel was on the actor's own property, provided that this affirmative defense is not available unless the actor, prior to arriving at the vessel on the actor's own property, did not transport or possess the firearm in the vessel or in a motor vehicle in a manner prohibited by this section or division (B) or (C) of section 2923.16 of the Revised Code while the vessel was being operated on a waterway that was not on the actor's own property or while the motor vehicle was being operated on a street, highway, or other public or private property used by the public for vehicular traffic. 372  
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(2) No person who is charged with a violation of division (C) 390

or (D) of this section shall be required to obtain a license or  
temporary emergency license to carry a concealed handgun under  
section 2923.125 or 2923.1213 of the Revised Code as a condition  
for the dismissal of the charge.

(F) Divisions (B), (C), and (D) of this section do not apply  
to the possession or discharge of a United States coast guard  
approved signaling device required to be carried aboard a vessel  
under section 1547.251 of the Revised Code when the signaling  
device is possessed or used for the purpose of giving a visual  
distress signal. No person shall knowingly transport or possess  
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) This section does not apply to officers, agents, or  
employees of this or any other state or of the United States, or  
to law enforcement officers, when authorized to carry or have  
loaded or accessible firearms in a vessel and acting within the  
scope of their duties, ~~and this. This section does not apply to~~  
any person who is subject to and in compliance with the  
requirements of section 109.801 of the Revised Code, unless the  
appointing authority of the person has expressly specified that  
the exemption provided under this provision does not apply to the  
person. This section does not apply to persons legally engaged in  
hunting. Divisions (C) and (D) of this section do not apply to a  
person who transports or possesses a handgun in a vessel and who,  
at the time of that transportation or possession, is carrying a  
valid license or temporary emergency license to carry a concealed  
handgun issued to the person under section 2923.125 or 2923.1213  
of the Revised Code or a license to carry a concealed handgun that

was issued by another state with which the attorney general has 423  
entered into a reciprocity agreement under section 109.69 of the 424  
Revised Code, unless the person knowingly is in a place on the 425  
vessel described in division (B) of section 2923.126 of the 426  
Revised Code. 427

(I) If a law enforcement officer stops a vessel for a 428  
violation of this section or any other law enforcement purpose, if 429  
any person on the vessel surrenders a firearm to the officer, 430  
either voluntarily or pursuant to a request or demand of the 431  
officer, and if the officer does not charge the person with a 432  
violation of this section or arrest the person for any offense, 433  
the person is not otherwise prohibited by law from possessing the 434  
firearm, and the firearm is not contraband, the officer shall 435  
return the firearm to the person at the termination of the stop. 436

**Sec. 2923.12.** (A) No person shall knowingly carry or have, 437  
concealed on the person's person or concealed ready at hand, any 438  
of the following: 439

- (1) A deadly weapon other than a handgun; 440
- (2) A handgun other than a dangerous ordnance; 441
- (3) A dangerous ordnance. 442

(B) No person who has been issued a license or temporary 443  
emergency license to carry a concealed handgun under section 444  
2923.125 or 2923.1213 of the Revised Code or a license to carry a 445  
concealed ~~handgun~~ handgun that was issued by another state with 446  
which the attorney general has entered into a reciprocity 447  
agreement under section 109.69 of the Revised Code, who is stopped 448  
for a law enforcement purpose, and who is carrying a concealed 449  
handgun shall fail to promptly inform any law enforcement officer 450  
who approaches the person after the person has been stopped that 451  
the person has been issued a license or temporary emergency 452

license to carry a concealed handgun and that the person then is 453  
carrying a concealed handgun. 454

(C)(1) This section does not apply to officers, agents, or 455  
employees of this or any other state or the United States, or to 456  
law enforcement officers, authorized to carry concealed weapons or 457  
dangerous ordnance and acting within the scope of their duties. 458  
This section does not apply to any person who is subject to and in 459  
compliance with the requirements of section 109.801 of the Revised 460  
Code, unless the appointing authority of the person has expressly 461  
specified that the exemption provided under this provision does 462  
not apply to the person. 463

(2) Division (A)(2) of this section does not apply to any of 464  
the following: 465

(a) An officer, agent, or employee of this or any other state 466  
or the United States, or a law enforcement officer, who is 467  
authorized to carry a handgun and acting within the scope of the 468  
officer's, agent's, or employee's duties; 469

(b) A person who, at the time of the alleged carrying or 470  
possession of a handgun, is carrying a valid license or temporary 471  
emergency license to carry a concealed handgun issued to the 472  
person under section 2923.125 or 2923.1213 of the Revised Code or 473  
a license to carry a concealed handgun that was issued by another 474  
state with which the attorney general has entered into a 475  
reciprocity agreement under section 109.69 of the Revised Code, 476  
unless the person knowingly is in a place described in division 477  
(B) of section 2923.126 of the Revised Code. 478

(D) It is an affirmative defense to a charge under division 479  
(A)(1) of this section of carrying or having control of a weapon 480  
other than a handgun and other than a dangerous ordnance that the 481  
actor was not otherwise prohibited by law from having the weapon 482  
and that any of the following applies: 483



(1) The weapon was carried or kept ready at hand by the actor 484  
for defensive purposes while the actor was engaged in or was going 485  
to or from the actor's lawful business or occupation, which 486  
business or occupation was of a character or was necessarily 487  
carried on in a manner or at a time or place as to render the 488  
actor particularly susceptible to criminal attack, such as would 489  
justify a prudent person in going armed. 490

(2) The weapon was carried or kept ready at hand by the actor 491  
for defensive purposes while the actor was engaged in a lawful 492  
activity and had reasonable cause to fear a criminal attack upon 493  
the actor, a member of the actor's family, or the actor's home, 494  
such as would justify a prudent person in going armed. 495

(3) The weapon was carried or kept ready at hand by the actor 496  
for any lawful purpose and while in the actor's own home. 497

(4) The weapon was being transported in a motor vehicle for 498  
any lawful purpose, was not on the actor's person, and, if the 499  
weapon was a firearm, was carried in compliance with the 500  
applicable requirements of division (C) of section 2923.16 of the 501  
Revised Code. 502

(E) It is an affirmative defense to a charge under division 503  
(A) of this section of carrying or having control of a handgun 504  
other than a dangerous ordnance that the actor was not otherwise 505  
prohibited by law from having the handgun and that the handgun was 506  
carried or kept ready at hand by the actor for any lawful purpose 507  
and while in the actor's own home, provided that this affirmative 508  
defense is not available unless the actor, prior to arriving at 509  
the actor's own home, did not transport or possess the handgun in 510  
a motor vehicle in a manner prohibited by division (B) or (C) of 511  
section 2923.16 of the Revised Code while the motor vehicle was 512  
being operated on a street, highway, or other public or private 513  
property used by the public for vehicular traffic. 514

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

(G)(1) Whoever violates this section is guilty of carrying concealed weapons. Except as otherwise provided in this division 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 both of the following apply:

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

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

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

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

(ii) Within forty-five days after the arrest, the offender

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presents any type of license identified in division (G)(2)(a)(i) 578  
of this section to the law enforcement agency that employed the 579  
arresting officer, and the offender waives in writing the 580  
offender's right to a speedy trial on the charge of the violation 581  
that is provided in section 2945.71 of the Revised Code. 582

(iii) At the time of the commission of the offense, the 583  
offender was not knowingly in a place described in division (B) of 584  
section 2923.126 of the Revised Code. 585

(c) If neither division (G)(2)(a) nor (b) of this section 586  
applies, the offender shall be punished under division (G)(1) of 587  
this section. 588

(3) Carrying concealed weapons in violation of division (B) 589  
of this section is a misdemeanor of the fourth degree. 590

(H) If a law enforcement officer stops a person to question 591  
the person regarding a possible violation of this section, for a 592  
traffic stop, or for any other law enforcement purpose, if the 593  
person surrenders a firearm to the officer, either voluntarily or 594  
pursuant to a request or demand of the officer, and if the officer 595  
does not charge the person with a violation of this section or 596  
arrest the person for any offense, the person is not otherwise 597  
prohibited by law from possessing the firearm, and the firearm is 598  
not contraband, the officer shall return the firearm to the person 599  
at the termination of the stop. 600

**Sec. 2923.121.** (A) No person shall possess a firearm in any 601  
room in which liquor is being dispensed in premises for which a D 602  
permit has been issued under Chapter 4303. of the Revised Code or 603  
in an open air arena for which a permit of that nature has been 604  
issued. 605

(B)(1) This section does not apply to officers, agents, or 606  
employees of this or any other state or the United States, or to 607

law enforcement officers, authorized to carry firearms, and acting  
within the scope of their duties. This section does not apply to  
any person who is subject to and in compliance with the  
requirements of section 109.801 of the Revised Code, unless the  
appointing authority of the person has expressly specified that  
the exemption provided under this provision does not apply to the  
person.

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

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

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(1) The firearm was carried or kept ready at hand by the

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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 such character or was  
necessarily carried on in such manner or at such a time or place  
as to render the actor particularly susceptible to criminal  
attack, such as would justify a prudent person in going armed.

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

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

(E) Whoever violates this section is guilty of illegal  
possession of a firearm in liquor permit premises, a felony of the  
fifth degree.

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

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

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

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

(2) The person indicates that the person possesses the object

and that it is a firearm, or the person knowingly displays or  
brandishes the object and indicates that it is a firearm.

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

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

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another similar use of the object.

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

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

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

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

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

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

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(2) Whoever violates division (C) of this section is guilty of illegal possession of an object indistinguishable from a

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firearm in a school safety zone. Except as otherwise provided in  
this division, illegal possession of an object indistinguishable  
from a firearm in a school safety zone is a misdemeanor of the  
first degree. If the offender previously has been convicted of a  
violation of this section, illegal possession of an object  
indistinguishable from a firearm in a school safety zone is a  
felony of the fifth degree.

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

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

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

(G) As used in this section, "object that is 763  
indistinguishable from a firearm" means an object made, 764  
constructed, or altered so that, to a reasonable person without 765  
specialized training in firearms, the object appears to be a 766  
firearm. 767

**Sec. 2923.123.** (A) No person shall knowingly convey or 768  
attempt to convey a deadly weapon or dangerous ordnance into a 769  
courthouse or into another building or structure in which a 770  
courtroom is located. 771

(B) No person shall knowingly possess or have under the 772  
person's control a deadly weapon or dangerous ordnance in a 773  
courthouse or in another building or structure in which a 774  
courtroom is located. 775

(C) This section does not apply to any of the following: 776

(1) A judge of a court of record of this state or a 777  
magistrate, unless a rule of superintendence or another type of 778  
rule adopted by the supreme court pursuant to Article IV, Ohio 779  
Constitution, or an applicable local rule of court prohibits all 780  
persons from conveying or attempting to convey a deadly weapon or 781  
dangerous ordnance into a courthouse or into another building or 782  
structure in which a courtroom is located or from possessing or 783  
having under one's control a deadly weapon or dangerous ordnance 784  
in a courthouse or in another building or structure in which a 785  
courtroom is located; 786

(2) A peace officer, or an officer of a law enforcement 787  
agency of another state, a political subdivision of another state, 788  
or the United States, who is authorized to carry a deadly weapon 789  
or dangerous ordnance, who possesses or has under that 790  
individual's control a deadly weapon or dangerous ordnance as a 791  
requirement of that individual's duties, and who is acting within 792

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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(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 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 prosecutor, or a secret service officer appointed by a  
county prosecuting attorney, who is authorized to carry a deadly  
weapon or dangerous ordnance in the performance of the

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individual's duties, 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 of the 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;

(6) A person who conveys or attempts to convey a handgun into a courthouse or into another building or structure in which a courtroom is located, who, at the time of the conveyance or attempt, 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 in a category described in division (C)(6)(a) or (b) of this section,~~ and who transfers possession of the handgun to the officer or officer's designee who has charge of the courthouse or building. The officer shall secure the handgun until the licensee person who transferred possession of the handgun is prepared to leave the premises. The exemption described in this division applies only if the officer who has charge of the courthouse or building provides services of the nature described in this division. An officer who has charge of the courthouse or building is not required to offer services of the nature described in this division. The exemption described in

this division does not apply if a rule of superintendence or 857  
another type of rule adopted by the supreme court pursuant to 858  
Article IV, Ohio Constitution, or if an applicable local rule of 859  
court prohibits all persons from conveying or attempting to convey 860  
a deadly weapon or dangerous ordnance into a courthouse or into 861  
another building or structure in which a courtroom is located or 862  
from possessing or having under one's control a deadly weapon or 863  
dangerous ordnance in a courthouse or in another building or 864  
structure in which a courtroom is located. The exemption described 865  
in this division applies in the circumstances described in this 866  
division only to a person who is in one or both of the following 867  
categories at the time of the conveyance or attempt: 868

(a) The person is carrying a valid license or temporary 869  
emergency license to carry a concealed handgun issued to the 870  
person under section 2923.125 or 2923.1213 of the Revised Code or 871  
a license to carry a concealed handgun that was issued by another 872  
state with which the attorney general has entered into a 873  
reciprocity agreement under section 109.69 of the Revised Code. 874

(b) The person is subject to and in compliance with the 875  
requirements of section 109.801 of the Revised Code, and the 876  
appointing authority of the person has not expressly specified 877  
that the exemption described in this division does not apply to 878  
the person. 879

(D)(1) Whoever violates division (A) of this section is 880  
guilty of illegal conveyance of a deadly weapon or dangerous 881  
ordnance into a courthouse. Except as otherwise provided in this 882  
division, illegal conveyance of a deadly weapon or dangerous 883  
ordnance into a courthouse is a felony of the fifth degree. If the 884  
offender previously has been convicted of a violation of division 885  
(A) or (B) of this section, illegal conveyance of a deadly weapon 886  
or dangerous ordnance into a courthouse is a felony of the fourth 887  
degree. 888

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

(E) As used in this section:

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

(2) "Peace officer" and "prosecutor" have the same meanings as in section 2935.01 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:

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

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

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

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

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(b) An original or photocopy of a certificate of completion 951  
of a firearms safety, training, or requalification or firearms 952  
safety instructor course, class, or program that satisfies all of 953  
the following criteria: 954

(i) It was open to members of the general public. 955

(ii) It utilized qualified instructors who were certified by 956  
the national rifle association, the executive director of the Ohio 957  
peace officer training commission pursuant to section 109.75 or 958  
109.78 of the Revised Code, or a governmental official or entity 959  
of another state. 960

(iii) It was offered by or under the auspices of a law 961  
enforcement agency of this or another state or the United States, 962  
a public or private college, university, or other similar 963  
postsecondary educational institution located in this or another 964  
state, a firearms training school located in this or another 965  
state, or another type of public or private entity or organization 966  
located in this or another state. 967

(iv) It complies with the requirements set forth in division 968  
(G) of this section. 969

(c) An original or photocopy of a certificate of completion 970  
of a state, county, municipal, or department of natural resources 971  
peace officer training school that is approved by the executive 972  
director of the Ohio peace officer training commission pursuant to 973  
section 109.75 of the Revised Code and that complies with the 974  
requirements set forth in division (G) of this section, or the 975  
applicant has satisfactorily completed and been issued a 976  
certificate of completion of a basic firearms training program, a 977  
firearms requalification training program, or another basic 978  
training program described in section 109.78 or 109.801 of the 979  
Revised Code that complies with the requirements set forth in 980



division (G) of this section;

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

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

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

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

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

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whose auspices the course, class, or program was offered.

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

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

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

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

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(a) The applicant is legally living in the United States, has 1043  
been a resident of this state for at least forty-five days, and 1044  
has been a resident of the county in which the person seeks the 1045  
license or a county adjacent to the county in which the person 1046  
seeks the license for at least thirty days. 1047

(b) The applicant is at least twenty-one years of age. 1048

(c) The applicant is not a fugitive from justice. 1049

(d) The applicant is not under indictment for or otherwise 1050  
charged with a felony; an offense under Chapter 2925., 3719., or 1051  
4729. of the Revised Code that involves the illegal possession, 1052  
use, sale, administration, or distribution of or trafficking in a 1053  
drug of abuse; a misdemeanor offense of violence; or a violation 1054  
of section 2903.14 or 2923.1211 of the Revised Code. 1055

(e) ~~The~~ Except as otherwise provided in division (D)(5) of 1056  
this section, the applicant has not been convicted of or pleaded 1057  
guilty to a felony or an offense under Chapter 2925., 3719., or 1058  
4729. of the Revised Code that involves the illegal possession, 1059  
use, sale, administration, or distribution of or trafficking in a 1060  
drug of abuse; has not been adjudicated a delinquent child for 1061  
committing an act that if committed by an adult would be a felony 1062  
or would be an offense under Chapter 2925., 3719., or 4729. of the 1063  
Revised Code that involves the illegal possession, use, sale, 1064  
administration, or distribution of or trafficking in a drug of 1065  
abuse; and has not been convicted of, pleaded guilty to, or 1066  
adjudicated a delinquent child for committing a violation of 1067  
section 2903.13 of the Revised Code when the victim of the 1068  
violation is a peace officer, regardless of whether the applicant 1069  
was sentenced under division (C)(3) of that section. 1070

(f) ~~The~~ Except as otherwise provided in division (D)(5) of 1071  
this section, the applicant, within three years of the date of the 1072  
application, has not been convicted of or pleaded guilty to a 1073

misdemeanor offense of violence other than a misdemeanor violation 1074  
of section 2921.33 of the Revised Code or a violation of section 1075  
2903.13 of the Revised Code when the victim of the violation is a 1076  
peace officer, or a misdemeanor violation of section 2923.1211 of 1077  
the Revised Code; and has not been adjudicated a delinquent child 1078  
for committing an act that if committed by an adult would be a 1079  
misdemeanor offense of violence other than a misdemeanor violation 1080  
of section 2921.33 of the Revised Code or a violation of section 1081  
2903.13 of the Revised Code when the victim of the violation is a 1082  
peace officer or for committing an act that if committed by an 1083  
adult would be a misdemeanor violation of section 2923.1211 of the 1084  
Revised Code. 1085

(g) Except as otherwise provided in division (D)(1)(e) of 1086  
this section, the applicant, within five years of the date of the 1087  
application, has not been convicted of, pleaded guilty to, or 1088  
adjudicated a delinquent child for committing two or more 1089  
violations of section 2903.13 or 2903.14 of the Revised Code. 1090

(h) ~~The~~ Except as otherwise provided in division (D)(5) of 1091  
this section, the applicant, within ten years of the date of the 1092  
application, has not been convicted of, pleaded guilty to, or 1093  
adjudicated a delinquent child for committing a violation of 1094  
section 2921.33 of the Revised Code. 1095

(i) The applicant has not been adjudicated as a mental 1096  
defective, has not been committed to any mental institution, is 1097  
not under adjudication of mental incompetence, has not been found 1098  
by a court to be a mentally ill person subject to hospitalization 1099  
by court order, and is not an involuntary patient other than one 1100  
who is a patient only for purposes of observation. As used in this 1101  
division, "mentally ill person subject to hospitalization by court 1102  
order" and "patient" have the same meanings as in section 5122.01 1103  
of the Revised Code. 1104

(j) The applicant is not currently subject to a civil 1105

protection order, a temporary protection order, or a protection  
order issued by a court of another state.

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(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.

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(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.

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(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.~~

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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.

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(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

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check conducted pursuant to section 311.41 of the Revised Code and 1137  
if, pursuant to section 2923.127 of the Revised Code, the 1138  
applicant challenges the criminal records check results using the 1139  
appropriate challenge and review procedure specified in that 1140  
section, the time for filing the appeal pursuant to section 119.12 1141  
of the Revised Code and this division is tolled during the 1142  
pendency of the request or the challenge and review. If the court 1143  
in an appeal under section 119.12 of the Revised Code and this 1144  
division enters a judgment sustaining the sheriff's refusal to 1145  
grant to the applicant a license to carry a concealed handgun, the 1146  
applicant may file a new application beginning one year after the 1147  
judgment is entered. If the court enters a judgment in favor of 1148  
the applicant, that judgment shall not restrict the authority of a 1149  
sheriff to suspend or revoke the license pursuant to section 1150  
2923.128 or 2923.1213 of the Revised Code or to refuse to renew 1151  
the license for any proper cause that may occur after the date the 1152  
judgment is entered. In the appeal, the court shall have full 1153  
power to dispose of all costs. 1154

(3) If the sheriff with whom an application for a license to 1155  
carry a concealed handgun was filed under this section becomes 1156  
aware that the applicant has been arrested for or otherwise 1157  
charged with an offense that would disqualify the applicant from 1158  
holding the license, the sheriff shall suspend the processing of 1159  
the application until the disposition of the case arising from the 1160  
arrest or charge. 1161

(4) If the sheriff determines that the applicant is legally 1162  
living in the United States and is a resident of the county in 1163  
which the applicant seeks the license or of an adjacent county but 1164  
does not yet meet the residency requirements described in division 1165  
(D)(1)(a) of this section, the sheriff shall not deny the license 1166  
because of the residency requirements but shall not issue the 1167  
license until the applicant meets those residency requirements. 1168

(5) If an applicant has been convicted of or pleaded guilty to an offense identified in division (D)(1)(e), (f), or (h) of this section or has been adjudicated a delinquent child for committing an act or violation identified in any of those divisions, and if a court has ordered the sealing or expungement of the records of that conviction, guilty plea, or delinquent child adjudication pursuant to section 2151.358 or sections 2953.31 to 2953.36 of the Revised Code, the sheriff with whom the application was submitted shall not consider the conviction, guilty plea, or delinquent child adjudication.

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

(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 1201  
matters, a new set of fingerprints provided in the manner 1202  
specified in division ~~(D)(4)(B)(5)~~ of this section 2923.125 of the 1203  
Revised Code regarding initial applications for a license to carry 1204  
a concealed handgun, and a nonrefundable license renewal fee 1205  
unless the fee is waived. The licensee also shall submit a 1206  
competency certification of the type described in division (B)(3) 1207  
of this section that is not older than six years or a renewed 1208  
competency certification of the type described in division (G)(4) 1209  
of this section that is not older than six years. A sheriff shall 1210  
accept a completed renewal application and the fee, items, 1211  
materials, and information specified in this division at the times 1212  
and in the manners described in division (I) of this section. 1213

Upon receipt of a completed renewal application, color 1214  
photograph, certification that the applicant has reread the 1215  
specified pamphlet prepared by the Ohio peace officer training 1216  
commission, new set of fingerprints, competency certification or 1217  
renewed competency certification, and license renewal fee unless 1218  
the fee is waived, a sheriff, in the manner specified in section 1219  
311.41 of the Revised Code shall conduct or cause to be conducted 1220  
the criminal records check and the incompetency records check 1221  
described in section 311.41 of the Revised Code. The sheriff shall 1222  
renew the license if the sheriff determines that the applicant 1223  
continues to satisfy the requirements described in division (D)(1) 1224  
of this section, except that the applicant is required to submit a 1225  
renewed competency certification only in the circumstances 1226  
described in division (G)(4) of this section and except that 1227  
division (D)(5) of this section also applies regarding the renewal 1228  
application. A renewed license that is renewed on or after the 1229  
effective date of this amendment shall expire five years after the 1230  
date of issuance, and a renewed license that is renewed prior to 1231  
the effective date of this amendment shall expire four years after 1232  
the date of issuance and. A renewed license is subject to division 1233



(E) of this section and sections 2923.126 and 2923.128 of the Revised Code. A sheriff shall comply with divisions (D)(2) to ~~(4)~~(5) of this section when the circumstances described in those divisions apply to a requested license renewal. If a sheriff denies the renewal of a license to carry a concealed handgun, the applicant may appeal the denial, or challenge the criminal record check results that were the basis of the denial if applicable, in the same manner as specified in division (D)(2)(b) and in section 2923.127 of the Revised Code, regarding the denial of a license under this section.

(G)(1) Each course, class, or program described in division (B)(3)(a), (b), (c), or (e) of this section shall provide to each person who takes the course, class, or program a copy of 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. Each such course, class, or program described in one of those divisions shall include at least twelve hours of training in the safe handling and use of a firearm that shall include all of the following:

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

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

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

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

(iv) Gun handling training.

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

(2) To satisfactorily complete the course, class, or program 1265  
described in division (B)(3)(a), (b), (c), or (e) of this section, 1266  
the applicant shall pass a competency examination that shall 1267  
include both of the following: 1268

(a) A written section on the ability to name and explain the 1269  
rules for the safe handling of a handgun and proper storage 1270  
practices for handguns and ammunition; 1271

(b) A physical demonstration of competence in the use of a 1272  
handgun and in the rules for safe handling and storage of a 1273  
handgun and a physical demonstration of the attitude necessary to 1274  
shoot a handgun in a safe manner. 1275

(3) The competency certification described in division 1276  
(B)(3)(a), (b), (c), or (e) of this section shall be dated and 1277  
shall attest that the course, class, or program the applicant 1278  
successfully completed met the requirements described in division 1279  
(G)(1) of this section and that the applicant passed the 1280  
competency examination described in division (G)(2) of this 1281  
section. 1282

(4) A person who has received a competency certification as 1283  
described in division (B)(3) of this section, or who previously 1284  
has received a renewed competency certification as described in 1285  
this division, may obtain a renewed competency certification 1286  
pursuant to this division. If the person has received a competency 1287  
certification within the preceding six years, or previously has 1288  
received a renewed competency certification within the preceding 1289  
six years, the person may obtain a renewed competency 1290  
certification from an entity that offers a course, class, or 1291  
program described in division (B)(3)(a), (b), (c), or (e) of this 1292  
section by passing a competency examination of the type described 1293  
in division (G)(2) of this section. In these circumstances, the 1294  
person is not required to attend the course, class, or program in 1295

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.

(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) 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.

(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

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application form or renewal application and a copy of the pamphlet 1328  
described in division (B) of section 109.731 of the Revised Code 1329  
to any person during at least fifteen hours a week. The sheriff 1330  
shall post notice of the hours during which the sheriff is 1331  
available to accept or provide the information described in this 1332  
division. 1333

**Sec. 2923.126.** (A) A license to carry a concealed handgun 1334  
that is issued under section 2923.125 of the Revised Code on or 1335  
after the effective date of this amendment shall expire five years 1336  
after the date of issuance, and a license that is so issued prior 1337  
to the effective date of this amendment shall expire four years 1338  
after the date of issuance. A licensee who has been issued a 1339  
license under that section shall be granted a grace period of 1340  
thirty days after the licensee's license expires during which the 1341  
licensee's license remains valid. Except as provided in divisions 1342  
(B) and (C) of this section, a licensee who has been issued a 1343  
license under section 2923.125 or 2923.1213 of the Revised Code 1344  
may carry a concealed handgun anywhere in this state if the 1345  
licensee also carries a valid license and valid identification 1346  
when the licensee is in actual possession of a concealed handgun. 1347  
The licensee shall give notice of any change in the licensee's 1348  
residence address to the sheriff who issued the license within 1349  
forty-five days after that change. 1350

If a licensee is the driver or an occupant of a motor vehicle 1351  
that is stopped as the result of a traffic stop or a stop for 1352  
another law enforcement purpose and if the licensee is 1353  
transporting or has a loaded handgun in the motor vehicle at that 1354  
time, the licensee shall promptly inform any law enforcement 1355  
officer who approaches the vehicle while stopped that the licensee 1356  
has been issued a license or temporary emergency license to carry 1357  
a concealed handgun and that the licensee currently possesses or 1358

has a loaded handgun; the licensee shall comply with lawful orders  
of a law enforcement officer given while the motor vehicle is  
stopped, shall remain in the motor vehicle while stopped, and  
shall keep the licensee's hands in plain sight while any law  
enforcement officer begins approaching the licensee while stopped  
and before the officer leaves, unless directed otherwise by a law  
enforcement officer; and the licensee shall not knowingly remove,  
attempt to remove, grasp, or hold the loaded handgun or knowingly  
have contact with the loaded handgun by touching it with the  
licensee's hands or fingers, in any manner in violation of  
division (E) of section 2923.16 of the Revised Code, while any law  
enforcement officer begins approaching the licensee while stopped  
and before the officer leaves. If a law enforcement officer  
otherwise approaches a person who has been stopped for a law  
enforcement purpose, if the person is a licensee, and if the  
licensee is carrying a concealed handgun at the time the officer  
approaches, the licensee shall promptly inform the officer that  
the licensee has been issued a license or temporary emergency  
license to carry a concealed handgun and that the licensee  
currently is carrying a concealed handgun.

(B) A valid license issued under section 2923.125 or  
2923.1213 of the Revised Code does not authorize the licensee to  
carry a concealed handgun in any manner prohibited under division  
(B) of section 2923.12 of the Revised Code or in any manner  
prohibited under section 2923.16 of the Revised Code. A valid  
license does not authorize the licensee to carry a concealed  
handgun into any of the following places:

(1) A police station, sheriff's office, or state highway  
patrol station, premises controlled by the bureau of criminal  
identification and investigation, a state correctional  
institution, jail, workhouse, or other detention facility, an  
airport passenger terminal, or an institution that is maintained,

operated, managed, and governed pursuant to division (A) of 1391  
section 5119.02 of the Revised Code or division (A)(1) of section 1392  
5123.03 of the Revised Code; 1393

(2) A school safety zone, in violation of section 2923.122 of 1394  
the Revised Code; 1395

(3) A courthouse or another building or structure in which a 1396  
courtroom is located, in violation of section 2923.123 of the 1397  
Revised Code; 1398

(4) Any room or open air arena in which liquor is being 1399  
dispensed in premises for which a D permit has been issued under 1400  
Chapter 4303. of the Revised Code, in violation of section 1401  
2923.121 of the Revised Code; 1402

(5) Any premises owned or leased by any public or private 1403  
college, university, or other institution of higher education, 1404  
unless the handgun is in a locked motor vehicle or the licensee is 1405  
in the immediate process of placing the handgun in a locked motor 1406  
vehicle; 1407

(6) Any church, synagogue, mosque, or other place of worship, 1408  
unless the church, synagogue, mosque, or other place of worship 1409  
posts or permits otherwise; 1410

(7) A child day-care center, a type A family day-care home, a 1411  
type B family day-care home, or a type C family day-care home, 1412  
except that this division does not prohibit a licensee who resides 1413  
in a type A family day-care home, a type B family day-care home, 1414  
or a type C family day-care home from carrying a concealed handgun 1415  
at any time in any part of the home that is not dedicated or used 1416  
for day-care purposes, or from carrying a concealed handgun in a 1417  
part of the home that is dedicated or used for day-care purposes 1418  
at any time during which no children, other than children of that 1419  
licensee, are in the home; 1420

(8) An aircraft that is in, or intended for operation in, 1421  
foreign air transportation, interstate air transportation, 1422  
intrastate air transportation, or the transportation of mail by 1423  
aircraft; 1424

(9) Any building that is owned by this state or any political 1425  
subdivision of this state, and all portions of any building that 1426  
is not owned by any governmental entity listed in this division 1427  
but that is leased by such a governmental entity listed in this 1428  
division; 1429

(10) A place in which federal law prohibits the carrying of 1430  
handguns. 1431

(C)(1) Nothing in this section shall negate or restrict a 1432  
rule, policy, or practice of a private employer that is not a 1433  
private college, university, or other institution of higher 1434  
education concerning or prohibiting the presence of firearms on 1435  
the private employer's premises or property, including motor 1436  
vehicles owned by the private employer. Nothing in this section 1437  
shall require a private employer of that nature to adopt a rule, 1438  
policy, or practice concerning or prohibiting the presence of 1439  
firearms on the private employer's premises or property, including 1440  
motor vehicles owned by the private employer. 1441

(2)(a) A private employer shall be immune from liability in a 1442  
civil action for any injury, death, or loss to person or property 1443  
that allegedly was caused by or related to a licensee bringing a 1444  
handgun onto the premises or property of the private employer, 1445  
including motor vehicles owned by the private employer, unless the 1446  
private employer acted with malicious purpose. A private employer 1447  
is immune from liability in a civil action for any injury, death, 1448  
or loss to person or property that allegedly was caused by or 1449  
related to the private employer's decision to permit a licensee to 1450  
bring, or prohibit a licensee from bringing, a handgun onto the 1451

premises or property of the private employer. As used in this  
division, "private employer" includes a private college,  
university, or other institution of higher education.

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

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

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

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A peace officer has the same right to carry a concealed

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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.

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

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

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

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

carry a concealed handgun was submitted does not have an existing  
challenge and review procedure.

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**Sec. 2923.128.** (A)(1) If a licensee holding a valid license  
issued under section 2923.125 or 2923.1213 of the Revised Code is  
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.

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(2) A suspension under division (A)(1) 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) 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.

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(3) Upon becoming aware of an arrest, charge, or protection  
order described in division (A)(1) of this section with respect to  
a licensee who was issued a license under section 2923.125 or  
2923.1213 of the Revised Code, the sheriff who issued the  
licensee's license or temporary emergency license to carry a

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concealed handgun shall notify the licensee, by certified mail, 1545  
return receipt requested, at the licensee's last known residence 1546  
address that the license or temporary emergency license has been 1547  
suspended and that the licensee is required to surrender the 1548  
license or temporary emergency license at the sheriff's office 1549  
within ten days of the date on which the notice was mailed. 1550

(B)(1) A sheriff who issues a license or temporary emergency 1551  
license to carry a concealed handgun to a licensee under section 1552  
2923.125 or 2923.1213 of the Revised Code shall revoke the license 1553  
or temporary emergency license in accordance with division (B)(2) 1554  
of this section upon becoming aware that the licensee satisfies 1555  
any of the following: 1556

(a) The licensee is under twenty-one years of age. 1557

(b) ~~At~~ Subject to division (B)(3) of this section, at the 1558  
time of the issuance of the license or temporary emergency 1559  
license, the licensee did not satisfy the eligibility requirements 1560  
of division (D)(1)(c), (d), (e), (f), (g), or (h) of section 1561  
2923.125 of the Revised Code. 1562

(c) ~~On~~ Subject to division (B)(3) of this section, on or 1563  
after the date on which the license or temporary emergency license 1564  
was issued, the licensee is convicted of or pleads guilty to a 1565  
violation of section 2923.15 of the Revised Code or an offense 1566  
described in division (D)(1)(e), (f), (g), or (h) of section 1567  
2923.125 of the Revised Code. 1568

(d) On or after the date on which the license or temporary 1569  
emergency license was issued, the licensee becomes subject to a 1570  
civil protection order or to a protection order issued by a court 1571  
of another state that is substantially equivalent to a civil 1572  
protection order. 1573

(e) The licensee knowingly carries a concealed handgun into a 1574  
place that the licensee knows is an unauthorized place specified 1575

in division (B) of section 2923.126 of the Revised Code. 1576

(f) On or after the date on which the license or temporary 1577  
emergency license was issued, the licensee is adjudicated as a 1578  
mental defective or is committed to a mental institution. 1579

(g) At the time of the issuance of the license or temporary 1580  
emergency license, the licensee did not meet the residency 1581  
requirements described in division (D)(1) of section 2923.125 of 1582  
the Revised Code and currently does not meet the residency 1583  
requirements described in that division. 1584

(h) Regarding a license issued under section 2923.125 of the 1585  
Revised Code, the competency certificate the licensee submitted 1586  
was forged or otherwise was fraudulent. 1587

(2) Upon becoming aware of any circumstance listed in 1588  
division (B)(1) of this section that applies to a particular 1589  
licensee who was issued a license under section 2923.125 or 1590  
2923.1213 of the Revised Code, the sheriff who issued the license 1591  
or temporary emergency license to carry a concealed handgun to the 1592  
licensee shall notify the licensee, by certified mail, return 1593  
receipt requested, at the licensee's last known residence address 1594  
that the license or temporary emergency license is subject to 1595  
revocation and that the licensee may come to the sheriff's office 1596  
and contest the sheriff's proposed revocation within fourteen days 1597  
of the date on which the notice was mailed. After the fourteen-day 1598  
period and after consideration of any information that the 1599  
licensee provides during that period, if the sheriff determines on 1600  
the basis of the information of which the sheriff is aware that 1601  
the licensee is described in division (B)(1) of this section and 1602  
no longer satisfies the requirements described in division (D)(1) 1603  
of section 2923.125 of the Revised Code that are applicable to the 1604  
licensee's type of license, subject to division (B)(3) of this 1605  
section, the sheriff shall revoke the license or temporary 1606

emergency license, notify the licensee of that fact, and require 1607  
the licensee to surrender the license or temporary emergency 1608  
license. 1609

(3) If a sheriff who issues a license or temporary emergency 1610  
license to carry a concealed handgun to a licensee under section 1611  
2923.125 or 2923.1213 of the Revised Code becomes aware that, at 1612  
the time of the issuance of the license or temporary emergency 1613  
license, the licensee had been convicted of or pleaded guilty to 1614  
an offense identified in division (D)(1)(e), (f), or (h) of 1615  
section 2923.125 of the Revised Code or had been adjudicated a 1616  
delinquent child for committing an act or violation identified in 1617  
any of those divisions, or that, on or after the date on which the 1618  
license or temporary emergency license was issued, the licensee 1619  
has been convicted of or pleaded guilty to a violation of section 1620  
2923.15 of the Revised Code or an offense described in division 1621  
(D)(1)(e), (f), or (h) of section 2923.125 of the Revised Code, 1622  
the sheriff shall not consider that conviction, guilty plea, or 1623  
juvenile adjudication as having occurred if a court has ordered 1624  
the sealing or expungement of the records of that conviction, 1625  
guilty plea, or delinquent child adjudication pursuant to section 1626  
2151.358 or sections 2953.31 to 2953.36 of the Revised Code. 1627

**Sec. 2923.1210.** The application for a license to carry a 1628  
concealed handgun or for the renewal of a license of that nature 1629  
that is to be used under section 2923.125 of the Revised Code 1630  
shall conform substantially to the following form: 1631

"Ohio Peace           APPLICATION FOR A LICENSE TO 1632  
Officer                CARRY A CONCEALED HANDGUN  
Training  
Commission

                          Please Type or Print in Ink 1633

SECTION I. 1634

This application will not be processed unless 1635

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

SECTION II.	1636
Name:	1637
Last	1638
First	1638
Middle	1638
.....	1639
Social Security Number:.....	1640
Current Residence:	1641
Street	1642
City	1642
State	1642
County	1642
Zip	1642
.....	1643
Mailing Address (If Different From Above):	1644
Street	1645
City	1645
State	1645
Zip	1645
.....	1646
Date of Birth	1647
Place of Birth	1647
Sex	1647
Race	1647
Residence	1647
Telephone	1647
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.....	1648
.....	1648
.....	1648
.....	1648
SECTION III. THE FOLLOWING QUESTIONS ARE TO BE ANSWERED YES OR NO	1649
(1)(a) <u>Are you legally living in the United States?</u>	1650
..... YES	1650
..... NO	1650
(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?	1651
..... YES	1651
..... NO	1651
(2) Are you at least twenty-one years of age?	1652
..... YES	1652
..... NO	1652

- (3) Are you a fugitive from justice? . . . . YES . . . . NO 1653
- (4) Are you under indictment for a felony, . . . . YES . . . . NO 1654  
except for a conviction or guilty plea the records of which a court has ordered sealed or expunged, have you ever been convicted of or pleaded guilty to a felony, or, except for a delinquent child adjudication the records of which a court has ordered sealed or expunged, have you ever been adjudicated a delinquent child for committing an act that would be a felony if committed by an adult?
- (5) Are you under indictment for or otherwise . . . . YES . . . . NO 1655  
charged with, or, except for a conviction or guilty plea the records of which a court has ordered sealed or expunged, 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, except for a delinquent child adjudication the records of which a court has ordered sealed or expunged, have you ever been adjudicated a delinquent child for committing an act that would be an offense of that nature if committed by an adult?
- (6) Are you under indictment for or otherwise . . . . YES . . . . NO 1656  
charged with, or, except for a conviction or guilty plea the records of which a court has ordered sealed or expunged, 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, except for a delinquent child adjudication the records of which a court has ordered sealed or expunged, have you been adjudicated a delinquent child within three years of the date of this application for committing an act that would be a misdemeanor of that nature if committed by an adult?

(7) Are you under indictment for or otherwise charged with, or, except for a conviction or guilty plea the records of which a court has ordered sealed or expunged, have you been convicted of or pleaded guilty to within ten years of the date of this application, resisting arrest, or, except for a delinquent child adjudication the records of which a court has ordered sealed or expunged, 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 1657

(8)(a) Are you under indictment for or otherwise charged with assault or negligent assault? . . . . YES . . . . NO 1658

(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 1659

(c) ~~Have~~ Except for a conviction, guilty plea, or delinquent child adjudication the records . . . . YES . . . . NO 1660



of which a court has ordered sealed or expunged, have you ever been convicted of, pleaded guilty to, or adjudicated a delinquent child for assaulting a peace officer?

(9)(a) Have you ever been adjudicated as a mental defective? . . . . YES . . . . NO 1661

(b) Have you ever been committed to a mental institution? . . . . YES . . . . NO 1662

(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 1663

SECTION IV. YOU MUST COMPLETE THIS SECTION OF THE APPLICATION BY PROVIDING, TO THE BEST OF YOUR KNOWLEDGE, THE ADDRESS OF EACH PLACE OF RESIDENCE AT WHICH YOU RESIDED AT ANY TIME AFTER YOU ATTAINED EIGHTEEN YEARS OF AGE AND UNTIL YOU COMMENCED YOUR RESIDENCE AT THE LOCATION IDENTIFIED IN SECTION II OF THIS FORM, AND THE DATES OF RESIDENCE AT EACH OF THOSE ADDRESSES. IF YOU NEED MORE SPACE, COMPLETE AN ADDITIONAL SHEET WITH THE ~~relevant~~ RELEVANT INFORMATION, ATTACH IT TO THE APPLICATION, AND NOTE THE ATTACHMENT AT THE END OF THIS SECTION. 1664-1672

Residence 1: 1673

Street City State County Zip 1674  
..... 1675  
Dates of residence at this address ..... 1676

Residence 2: 1677

Street City State County Zip 1678  
..... 1679  
Dates of residence at this address ..... 1680

Residence 3: 1681

Street City State County Zip 1682  
..... 1683

Dates of residence at this address .....	1684
Residence 4:	1685
Street City State County Zip	1686
.....	1687
Dates of residence at this address .....	1688
SECTION V.	1689
AN APPLICANT WHO KNOWINGLY GIVES A FALSE ANSWER TO ANY QUESTION OR	1690
SUBMITS FALSE INFORMATION ON, OR A FALSE DOCUMENT WITH THE	1691
APPLICATION MAY BE PROSECUTED FOR FALSIFICATION TO OBTAIN A	1692
CONCEALED HANDGUN LICENSE, A FELONY OF THE FOURTH DEGREE, IN	1693
VIOLATION OF SECTION 2921.13 OF THE OHIO REVISED CODE.	1694
(1) I have been furnished, and have read, the pamphlet that	1695
explains the Ohio firearms laws, that provides instruction in	1696
dispute resolution and explains the Ohio laws related to that	1697
matter, and that provides information regarding all aspects	1698
of the use of deadly force with a firearm, and I am	1699
knowledgeable of the provisions of those laws and of the	1700
information on those matters.	1701
(2) I desire a legal means to carry a concealed handgun for	1702
defense of myself or a member of my family while engaged in	1703
lawful activity.	1704
(3) I have never been convicted of or pleaded guilty to a crime of	1705
violence in the state of Ohio or elsewhere. I am of sound	1706
mind. I hereby certify that the statements contained herein	1707
are true and correct to the best of my knowledge and belief.	1708
I understand that if I knowingly make any false statements	1709
herein I am subject to penalties prescribed by law. I	1710
authorize the sheriff or the sheriff's designee to inspect	1711
only those records or documents relevant to information	1712
required for this application.	1713
(4) The information contained in this application and all attached	1714

documents are true and correct to the best of my knowledge.	1715
.....	1716
Signature of Applicant"	1717
<b>Sec. 2923.1213.</b> (A) As used in this section:	1718
(1) "Evidence of imminent danger" means any of the following:	1719
(a) A statement sworn by the person seeking to carry a	1720
concealed handgun that is made under threat of perjury and that	1721
states that the person has reasonable cause to fear a criminal	1722
attack upon the person or a member of the person's family, such as	1723
would justify a prudent person in going armed;	1724
(b) A written document prepared by a governmental entity or	1725
public official describing the facts that give the person seeking	1726
to carry a concealed handgun reasonable cause to fear a criminal	1727
attack upon the person or a member of the person's family, such as	1728
would justify a prudent person in going armed. Written documents	1729
of this nature include, but are not limited to, any temporary	1730
protection order, civil protection order, protection order issued	1731
by another state, or other court order, any court report, and any	1732
report filed with or made by a law enforcement agency or	1733
prosecutor.	1734
(2) "Prosecutor" has the same meaning as in section 2935.01	1735
of the Revised Code.	1736
(B)(1) A person seeking a temporary emergency license to	1737
carry a concealed handgun shall submit to the sheriff of the	1738
county in which the person resides all of the following:	1739
(a) Evidence of imminent danger to the person or a member of	1740
the person's family;	1741
(b) A sworn affidavit that contains all of the information	1742
required to be on the license and attesting that the person <u>is</u>	1743
<u>legally living in the United States;</u> is at least twenty-one years	1744

of age; is not a fugitive from justice; is not under indictment 1745  
for or otherwise charged with an offense identified in division 1746  
(D)(1)(d) of section 2923.125 of the Revised Code; has not been 1747  
convicted of or pleaded guilty to an offense, and has not been 1748  
adjudicated a delinquent child for committing an act, identified 1749  
in division (D)(1)(e) of that section; within three years of the 1750  
date of the submission, has not been convicted of or pleaded 1751  
guilty to an offense, and has not been adjudicated a delinquent 1752  
child for committing an act, identified in division (D)(1)(f) of 1753  
that section; within five years of the date of the submission, has 1754  
not been convicted of, pleaded guilty, or adjudicated a delinquent 1755  
child for committing two or more violations identified in division 1756  
(D)(1)(g) of that section; within ten years of the date of the 1757  
submission, has not been convicted of, pleaded guilty, or 1758  
adjudicated a delinquent child for committing a violation 1759  
identified in division (D)(1)(h) of that section; has not been 1760  
adjudicated as a mental defective, has not been committed to any 1761  
mental institution, is not under adjudication of mental 1762  
incompetence, has not been found by a court to be a mentally ill 1763  
person subject to hospitalization by court order, and is not an 1764  
involuntary patient other than one who is a patient only for 1765  
purposes of observation, as described in division (D)(1)(i) of 1766  
that section; and is not currently subject to a civil protection 1767  
order, a temporary protection order, or a protection order issued 1768  
by a court of another state, as described in division (D)(1)(j) of 1769  
that section; 1770

(c) A temporary emergency license fee established by the Ohio 1771  
peace officer training commission for an amount that does not 1772  
exceed the actual cost of conducting the criminal background check 1773  
or thirty dollars; 1774

(d) A set of fingerprints of the applicant provided as 1775  
described in section 311.41 of the Revised Code through use of an 1776

electronic fingerprint reading device or, if the sheriff to whom  
the application is submitted does not possess and does not have  
ready access to the use of an electronic fingerprint reading  
device, on a standard impression sheet prescribed pursuant to  
division (C)(2) of section 109.572 of the Revised Code. If the  
fingerprints are provided on a standard impression sheet, the  
person also shall provide the person's social security number to  
the sheriff.

(2) A sheriff shall accept the evidence of imminent danger,  
the sworn affidavit, the fee, and the set of fingerprints required  
under division (B)(1) of this section at the times and in the  
manners described in division (I) of this section. Upon receipt of  
the evidence of imminent danger, the sworn affidavit, the fee, and  
the set of fingerprints required under division (B)(1) of this  
section, the sheriff, in the manner specified in section 311.41 of  
the Revised Code, immediately shall conduct or cause to be  
conducted the criminal records check and the incompetency records  
check described in section 311.41 of the Revised Code. Immediately  
upon receipt of the results of the records checks, the sheriff  
shall review the information and shall determine whether the  
criteria set forth in divisions (D)(1)(a) to (j) of section  
2923.125 of the Revised Code apply regarding the person. If the  
sheriff determines that all of criteria set forth in divisions  
(D)(1)(a) to (j) of section 2923.125 of the Revised Code apply  
regarding the person, the sheriff shall immediately make available  
through the law enforcement automated data system all information  
that will be contained on the temporary emergency license for the  
person if one is issued, and the superintendent of the state  
highway patrol shall ensure that the system is so configured as to  
permit the transmission through the system of that information.  
Upon making that information available through the law enforcement  
automated data system, the sheriff shall immediately issue to the

person a temporary emergency license to carry a concealed handgun. 1809

If the sheriff denies the issuance of a temporary emergency 1810  
license to the person, the sheriff shall specify the grounds for 1811  
the denial in a written notice to the person. The person may 1812  
appeal the denial, or challenge criminal records check results 1813  
that were the basis of the denial if applicable, in the same 1814  
manners specified in division (D)(2) of section 2923.125 and in 1815  
section 2923.127 of the Revised Code, regarding the denial of an 1816  
application for a license to carry a concealed handgun under that 1817  
section. 1818

The temporary emergency license under this division shall be 1819  
in the form, and shall include all of the information, described 1820  
in divisions (A)(2) and (5) of section 109.731 of the Revised 1821  
Code, and also shall include a unique combination of identifying 1822  
letters and numbers in accordance with division (A)(4) of that 1823  
section. 1824

The temporary emergency license issued under this division is 1825  
valid for ninety days and may not be renewed. A person who has 1826  
been issued a temporary emergency license under this division 1827  
shall not be issued another temporary emergency license unless at 1828  
least four years has expired since the issuance of the prior 1829  
temporary emergency license. 1830

(C) A person who holds a temporary emergency license to carry 1831  
a concealed handgun has the same right to carry a concealed 1832  
handgun as a person who was issued a license to carry a concealed 1833  
handgun under section 2923.125 of the Revised Code, and any 1834  
exceptions to the prohibitions contained in section 1547.69 and 1835  
sections 2923.12 to 2923.16 of the Revised Code for a licensee 1836  
under section 2923.125 of the Revised Code apply to a licensee 1837  
under this section. The person is subject to the same 1838  
restrictions, and to all other procedures, duties, and sanctions, 1839  
that apply to a person who carries a license issued under section 1840

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

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

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(F) If a temporary emergency license to carry a concealed  
handgun issued under this section is lost or is destroyed, the

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licensee may obtain from the sheriff who issued that license a  
duplicate license upon the 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.

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

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

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

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

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

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

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

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

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

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

(D) ~~No~~ Except as provided in division (F)(5) of this section,  
no person shall knowingly transport or have a loaded handgun in a  
motor vehicle if, at the time of that transportation or  
possession, any of the following applies:

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

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

(E) No person who has been issued a license or temporary  
emergency license to carry a concealed handgun under section

2923.125 or 2923.1213 of the Revised Code shall do any of the following:

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(1) Knowingly transport or have a loaded handgun in a motor vehicle unless the loaded handgun either is in a holster ~~and in plain sight~~ on the person's person or it is securely encased by being stored in a closed, locked glove compartment or in a case that is ~~in plain sight and that is~~ locked;

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

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(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 and if the person is transporting or has a loaded handgun in the motor vehicle in any manner, 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.

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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

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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;

(5) If the person is the driver or an occupant of a motor  
vehicle that is stopped as a result of a traffic stop or a stop  
for another law enforcement purpose, if the person is transporting  
or has a loaded handgun in the motor vehicle in a manner  
authorized under division (E)(1) of this section, and if the  
person is approached by any law enforcement officer while stopped,  
knowingly remove or attempt to remove the loaded handgun from the  
holster, glove compartment, or case, knowingly grasp or hold the  
loaded handgun, or knowingly have contact with the loaded handgun  
by touching it with the person's hands or fingers in the motor  
vehicle at any time after the law enforcement officer begins  
approaching and before the law enforcement officer leaves, unless  
the person removes, attempts to remove, grasps, holds, or has  
contact with the loaded handgun pursuant to and in accordance with  
directions given by the law enforcement officer.

(F)(1) This Divisions (A), (B), (C), and (E) of this section  
does do not apply to officers, agents, or employees of this or any  
other state or the United States, or to law enforcement officers,  
when authorized to carry or have loaded or accessible firearms in  
motor vehicles and acting within the scope of their duties.  
Divisions (A), (B), (C), and (E) of this section do not apply to  
any person who is subject to and in compliance with the

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requirements of section 109.801 of the Revised Code, unless the 1996  
appointing authority of the person has expressly specified that 1997  
the exemptions provided under this provision do not apply to the 1998  
person. 1999

(2) Division (A) of this section does not apply to a person 2000  
if all of the following circumstances apply: 2001

(a) The person discharges a firearm from a motor vehicle at a 2002  
coyote or groundhog, the discharge is not during the deer gun 2003  
hunting season as set by the chief of the division of wildlife of 2004  
the department of natural resources, and the discharge at the 2005  
coyote or groundhog, but for the operation of this section, is 2006  
lawful. 2007

(b) The motor vehicle from which the person discharges the 2008  
firearm is on real property that is located in an unincorporated 2009  
area of a township and that either is zoned for agriculture or is 2010  
used for agriculture. 2011

(c) The person owns the real property described in division 2012  
(F)(2)(b) of this section, is the spouse or a child of another 2013  
person who owns that real property, is a tenant of another person 2014  
who owns that real property, or is the spouse or a child of a 2015  
tenant of another person who owns that real property. 2016

(d) The person does not discharge the firearm in any of the 2017  
following manners: 2018

(i) While under the influence of alcohol, a drug of abuse, or 2019  
alcohol and a drug of abuse; 2020

(ii) In the direction of a street, highway, or other public 2021  
or private property used by the public for vehicular traffic or 2022  
parking; 2023

(iii) At or into an occupied structure that is a permanent or 2024  
temporary habitation; 2025

(iv) In the commission of any violation of law, including, 2026  
but not limited to, a felony that includes, as an essential 2027  
element, purposely or knowingly causing or attempting to cause the 2028  
death of or physical harm to another and that was committed by 2029  
discharging a firearm from a motor vehicle. 2030

(3) Divisions (B) and (C) of this section do not apply to a 2031  
person if all of the following circumstances apply: 2032

(a) At the time of the alleged violation of either of those 2033  
divisions, the person is the operator of or a passenger in a motor 2034  
vehicle. 2035

(b) The motor vehicle is on real property that is located in 2036  
an unincorporated area of a township and that either is zoned for 2037  
agriculture or is used for agriculture. 2038

(c) The person owns the real property described in division 2039  
(D)(3)(b) of this section, is the spouse or a child of another 2040  
person who owns that real property, is a tenant of another person 2041  
who owns that real property, or is the spouse or a child of a 2042  
tenant of another person who owns that real property. 2043

(d) The person, prior to arriving at the real property 2044  
described in division (D)(3)(b) of this section, did not transport 2045  
or possess a firearm in the motor vehicle in a manner prohibited 2046  
by division (B) or (C) of this section while the motor vehicle was 2047  
being operated on a street, highway, or other public or private 2048  
property used by the public for vehicular traffic or parking. 2049

(4) Divisions (B) and (C) of this section do not apply to a 2050  
person who transports or possesses a handgun in a motor vehicle 2051  
if, at the time of that transportation or possession, all of the 2052  
following apply: 2053

(a) The person transporting or possessing the handgun is 2054  
carrying a valid license or temporary emergency license to carry a 2055

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.

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

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

(5) Division (D) of this section does not apply if the person with the prohibited concentration of alcohol or under the influence of alcohol, a drug of abuse, or a combination of them has surrendered possession or control of the handgun to a person who is not otherwise prohibited by division (D) of this section from transporting or possessing a handgun in a motor vehicle and who transports or possesses the handgun in a motor vehicle as provided in divisions (C) or (E) of this section.

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

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

in a motor vehicle in a manner prohibited by division (B) or (C) 2087  
of this section while the motor vehicle was being operated on a 2088  
street, highway, or other public or private property used by the 2089  
public for vehicular traffic. 2090

(H) No person who is charged with a violation of division 2091  
(B), (C), or (D) of this section shall be required to obtain a 2092  
license or temporary emergency license to carry a concealed 2093  
handgun under section 2923.125 or 2923.1213 of the Revised Code as 2094  
a condition for the dismissal of the charge. 2095

(I) Whoever violates this section is guilty of improperly 2096  
handling firearms in a motor vehicle. Violation of division (A) of 2097  
this section is a felony of the fourth degree. Violation of 2098  
division (C) of this section is a misdemeanor of the fourth 2099  
degree. A violation of division (D) of this section is a felony of 2100  
the fifth degree or, if the loaded handgun is concealed on the 2101  
person's person, a felony of the fourth degree. A violation of 2102  
division (E)(3) of this section is a misdemeanor of the ~~fourth~~ 2103  
third degree. A violation of division (E)(1), (2), or (5) of this 2104  
section is a felony of the fifth degree. A violation of division 2105  
(E)(4) of this section is a misdemeanor of the first degree or, if 2106  
the offender previously has been convicted of or pleaded guilty to 2107  
a violation of division (E)(4) of this section, a felony of the 2108  
fifth degree. A violation of division (B) of this section is 2109  
whichever of the following is applicable: 2110

(1) If, at the time of the transportation or possession in 2111  
violation of division (B) of this section, the offender was 2112  
carrying a valid license or temporary emergency license to carry a 2113  
concealed handgun issued to the offender under section 2923.125 or 2114  
2923.1213 of the Revised Code or a license to carry a concealed 2115  
handgun that was issued by another state with which the attorney 2116  
general has entered into a reciprocity agreement under section 2117  
109.69 of the Revised Code and the offender was not knowingly in a 2118

place described in division (B) of section 2923.126 of the Revised Code, the violation is a misdemeanor of the first degree or, if the offender previously has been convicted of or pleaded guilty to a violation of division (B) of this section, a felony of the fourth degree.

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

(J) If a law enforcement officer stops a motor vehicle for a traffic stop or any other purpose, if any person in the motor vehicle 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.

(K) As used in this section:

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

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

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

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

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

**Section 2.** That existing sections 109.731, 109.801, 311.41,



1547.69, 2923.12, 2923.121, 2923.122, 2923.123, 2923.125, 2149  
2923.126, 2923.127, 2923.128, 2923.1210, 2923.1213, and 2923.16 of 2150  
the Revised Code are hereby repealed. 2151

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