

As Passed by the House

**127th General Assembly
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Sub. S. B. No. 184

Senator Buehrer

**Cosponsors: Senators Faber, Grendell, Niehaus, Stivers, Padgett, Carey,
Goodman, Mumper, Clancy, Schuring, Schaffer, Schuler, Cafaro, Kearney,
Gardner, Austria, Seitz, Boccieri, Cates, Fedor, Harris, Spada, Wagoner,
Wilson**

**Representatives Uecker, Peterson, Mandel, Dyer, Adams, Aslanides,
Batchelder, Blessing, Bolon, Book, Brinkman, Coley, Collier, Combs, Core,
Daniels, Dodd, Dolan, Domenick, Driehaus, Evans, Fessler, Flowers,
Garrison, Gerberry, Gibbs, Goodwin, Goyal, Hagan, J., Hite, Hottinger,
Huffman, Jones, McGregor, R., Mecklenborg, Oelslager, Okey, Otterman, J.,
Patton, Raussen, Reinhard, Sayre, Schindel, Schlichter, Schneider, Setzer,
Stewart, J., Szollosi, Wachtmann, Webster, White, Widener, Yuko, Zehringer**

A BILL

To amend sections 2307.60, 2901.05, 2923.12, 1
2923.121, 2923.122, 2923.125, 2923.126, 2923.128, 2
2923.129, 2923.1210, 2923.1212, 2923.1213, 3
2923.16, and 2929.14 and to enact sections 4
2307.601, 2901.09, and 2923.163 of the Revised 5
Code to bar recovery of damages in tort actions 6
commenced by criminal offenders in specified 7
circumstances even if the offender has not been 8
charged with or convicted of any offense based on 9
the offender's criminal conduct; to create a 10
rebuttable presumption that a person acted in self 11
defense or defense of another when using defensive 12

force that is intended or likely to cause death or 13
great bodily harm to another if the person against 14
whom the defensive force is used is in the process 15
of entering or has entered, unlawfully and without 16
privilege to do so, the residence or vehicle 17
occupied by the person using the defensive force; 18
to provide in specified circumstances exemptions 19
from illegal possession of firearm in liquor 20
permit premises for the principal permit holder 21
and the holder's agents and employees who are 22
off-duty peace officers; to relocate the penalty 23
for carrying a concealed firearm in liquor permit 24
premises; to provide an exemption from illegal 25
conveyance or possession or deadly weapon or 26
dangerous ordnance in a school safety zone for a 27
concealed carry licensee immediately in the 28
process of picking up or dropping off a child; to 29
change when a concealed carry licensee cannot 30
carry in a government facility; to specify that a 31
concealed carry licensee's carrying of a concealed 32
handgun on a private, posted parking lot is not 33
criminal trespass; to conform the OVI-related 34
portion of improperly handling firearms in a motor 35
vehicle to R.C. 4511.19; to revise how a concealed 36
carry licensee may carry a handgun in a vehicle; 37
to specify when carrying concealed weapons does 38
not apply to transporting or storing a firearm in 39
a motor vehicle or storing or possessing a firearm 40
in the home; to redefine "unloaded" for purposes 41
of improperly handling firearms in a motor vehicle 42
and to revise the elements of that offense as they 43
apply to an unloaded firearm; to alter the 44
requirements for renewing a concealed carry 45

license; to provide that an applicant's 46
convictions or delinquent child adjudications that 47
are sealed or expunged or for which relief from 48
disability has been granted cannot be considered 49
in determining eligibility for a concealed handgun 50
license or whether to suspend or revoke such a 51
license; to remove the requirement for a retired 52
peace officer identification card that the officer 53
have a nonforfeitable right to retirement 54
benefits; to provide that a retired police 55
officer's successful completion of a firearms 56
requalification program requalifies the peace 57
officer for five years for purposes of obtaining 58
the rights of a concealed carry licensee; to 59
prohibit a landlord from prohibiting a concealed 60
carry licensee who is a tenant or guest from 61
lawfully carrying or possessing handguns in 62
residential premises; to require that the 63
integrity and identity of a firearm seized from a 64
person by a law enforcement officer be maintained 65
so that if returned it can be identified and 66
returned in the same condition as when seized; to 67
require a court that finds that a law enforcement 68
officer failed to return a seized firearm upon 69
demand and that orders the officer to return it to 70
the person to award reasonable costs and 71
attorney's fees to the person who sought the 72
order; to make other firearms law-related changes; 73
to prohibit the imposition of a gun specification 74
prison term if the base offense is any of three 75
specified firearms-related offenses; and to remove 76
current sentencing restrictions and impose new 77
sentencing requirements when a court sentences an 78

offender convicted of multiple felonies and 79
multiple gun specifications. 80
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BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That sections 2307.60, 2901.05, 2923.12, 2923.121, 85
2923.122, 2923.125, 2923.126, 2923.128, 2923.129, 2923.1210, 86
2923.1212, 2923.1213, 2923.16, and 2929.14 be amended and sections 87
2307.601, 2901.09, and 2923.163 of the Revised Code be enacted to 88
read as follows: 89

Sec. 2307.60. (A)(1) Anyone injured in person or property by 90
a criminal act has, and may recover full damages in, a civil 91
action unless specifically excepted by law, may recover the costs 92
of maintaining the civil action and attorney's fees if authorized 93
by any provision of the Rules of Civil Procedure or another 94
section of the Revised Code or under the common law of this state, 95
and may recover punitive or exemplary damages if authorized by 96
section 2315.21 or another section of the Revised Code. 97

(2) A final judgment of a trial court that has not been 98
reversed on appeal or otherwise set aside, nullified, or vacated, 99
entered after a trial or upon a plea of guilty, but not upon a 100
plea of no contest or the equivalent plea from another 101
jurisdiction, that adjudges an offender guilty of an offense of 102
violence punishable by death or imprisonment in excess of one 103
year, when entered as evidence in any subsequent civil proceeding 104
based on the criminal act, shall preclude the offender from 105
denying in the subsequent civil proceeding any fact essential to 106
sustaining that judgment, unless the offender can demonstrate that 107

extraordinary circumstances prevented the offender from having a full and fair opportunity to litigate the issue in the criminal proceeding or other extraordinary circumstances justify affording the offender an opportunity to relitigate the issue. The offender may introduce evidence of the offender's pending appeal of the final judgment of the trial court, if applicable, and the court may consider that evidence in determining the liability of the offender.

(B)(1) As used in division (B) of this section, ~~"tort:~~

(a) "Tort action" means a civil action for damages for injury, death, or loss to person or property other than a civil action for damages for a breach of contract or another agreement between persons. "Tort action" includes, but is not limited to, a product liability claim, as defined in section 2307.71 of the Revised Code, and an asbestos claim, as defined in section 2307.91 of the Revised Code, an action for wrongful death under Chapter 2125. of the Revised Code, and an action based on derivative claims for relief.

(b) "Residence" has the same meaning as in section 2901.05 of the Revised Code.

(2) Recovery on a claim for relief in a tort action is barred to any person or the person's legal representative if ~~the~~ any of the following apply:

(a) The person has been convicted of or has pleaded guilty to a felony, or to a misdemeanor that is an offense of violence, arising out of criminal conduct that was a proximate cause of the injury or loss for which relief is claimed in the tort action.

~~(3) Division (b)~~ (b) The person engaged in conduct that, if prosecuted, would constitute a felony, a misdemeanor that is an offense of violence, an attempt to commit a felony, or an attempt to commit a misdemeanor that is an offense of violence and that

conduct was a proximate cause of the injury or loss for which 139
relief is claimed in the tort action, regardless of whether the 140
person has been convicted of or pleaded guilty to or has been 141
charged with committing the felony, the misdemeanor, or the 142
attempt to commit the felony or misdemeanor. 143

(c) The person suffered the injury or loss for which relief 144
is claimed in the tort action as a proximate result of the victim 145
of conduct that, if prosecuted, would constitute a felony, a 146
misdemeanor that is an offense of violence, an attempt to commit a 147
felony, or an attempt to commit a misdemeanor that is an offense 148
of violence acting against the person in self-defense, defense of 149
another, or defense of the victim's residence, regardless of 150
whether the person has been convicted of or pleaded guilty to or 151
has been charged with committing the felony, the misdemeanor, or 152
the attempt to commit the felony or misdemeanor. Division 153
(B)(2)(c) of this section does not apply if the person who 154
suffered the injury or loss, at the time of the victim's act of 155
self-defense, defense of another, or defense of residence, was an 156
innocent bystander who had no connection with the underlying 157
conduct that prompted the victim's exercise of self-defense, 158
defense of another, or defense of residence. 159

(3) Recovery against a victim of conduct that, if prosecuted, 160
would constitute a felony, a misdemeanor that is an offense of 161
violence, an attempt to commit a felony, or an attempt to commit a 162
misdemeanor that is an offense of violence, on a claim for relief 163
in a tort action is barred to any person or the person's legal 164
representative if conduct the person engaged in against that 165
victim was a proximate cause of the injury or loss for which 166
relief is claimed in the tort action and that conduct, if 167
prosecuted, would constitute a felony, a misdemeanor that is an 168
offense of violence, an attempt to commit a felony, or an attempt 169
to commit a misdemeanor that is an offense of violence, regardless 170

of whether the person has been convicted of or pleaded guilty to 171
or has been charged with committing the felony, the misdemeanor, 172
or the attempt to commit the felony or misdemeanor. 173

(4) Divisions (B)(1) to (3) of this section does do not apply 174
to civil claims based upon alleged intentionally tortious conduct, 175
alleged violations of the United States Constitution, or alleged 176
violations of statutes of the United States pertaining to civil 177
rights. For purposes of division (B)(4) of this section, a 178
person's act of self-defense, defense of another, or defense of 179
the person's residence does not constitute intentionally tortious 180
conduct. 181

Sec. 2307.601. (A) As used in this section: 182

(1) "Residence" and "vehicle" have the same meanings as in 183
section 2901.05 of the Revised Code. 184

(2) "Tort action" has the same meaning as in section 2307.60 185
of the Revised Code. 186

(B) For purposes of determining the potential liability of a 187
person in a tort action related to the person's use of force 188
alleged to be in self-defense, defense of another, or defense of 189
the person's residence, if the person lawfully is in that person's 190
residence, the person has no duty to retreat before using force in 191
self-defense, defense of another, or defense of that person's 192
residence, and, if the person lawfully is an occupant of that 193
person's vehicle or lawfully is an occupant in a vehicle owned by 194
an immediate family member of the person, the person has no duty 195
to retreat before using force in self-defense or defense of 196
another. 197

Sec. 2901.05. (A) Every person accused of an offense is 198
presumed innocent until proven guilty beyond a reasonable doubt, 199
and the burden of proof for all elements of the offense is upon 200

the prosecution. The burden of going forward with the evidence of 201
an affirmative defense, and the burden of proof, by a 202
preponderance of the evidence, for an affirmative defense, is upon 203
the accused. 204

(B)(1) Subject to division (B)(2) of this section, a person 205
is presumed to have acted in self defense or defense of another 206
when using defensive force that is intended or likely to cause 207
death or great bodily harm to another if the person against whom 208
the defensive force is used is in the process of unlawfully and 209
without privilege to do so entering, or has unlawfully and without 210
privilege to do so entered, the residence or vehicle occupied by 211
the person using the defensive force. 212

(2)(a) The presumption set forth in division (B)(1) of this 213
section does not apply if the person against whom the defensive 214
force is used has a right to be in, or is a lawful resident of, 215
the residence or vehicle. 216

(b) The presumption set forth in division (B)(1) of this 217
section does not apply if the person who uses the defensive force 218
uses it while in a residence or vehicle and the person is 219
unlawfully, and without privilege to be, in that residence or 220
vehicle. 221

(3) The presumption set forth in division (B)(1) of this 222
section is a rebuttable presumption and may be rebutted by a 223
preponderance of the evidence. 224

(C) As part of its charge to the jury in a criminal case, the 225
court shall read the definitions of "reasonable doubt" and "proof 226
beyond a reasonable doubt," contained in division (D) of this 227
section. 228

~~(C)(D)~~ As used in this section, ~~an~~: 229

(1) An "affirmative defense" is either of the following: 230

<u>(1)(a)</u> A defense expressly designated as affirmative;	231
<u>(2)(b)</u> A defense involving an excuse or justification peculiarly within the knowledge of the accused, on which he <u>the</u> <u>accused</u> can fairly be required to adduce supporting evidence.	232 233 234
<u>(2) "Dwelling" means a building or conveyance of any kind that has a roof over it and that is designed to be occupied by people lodging in the building or conveyance at night, regardless of whether the building or conveyance is temporary or permanent or is mobile or immobile. As used in this division, a building or conveyance includes, but is not limited to, an attached porch, and a building or conveyance with a roof over it includes, but is not limited to, a tent.</u>	235 236 237 238 239 240 241 242
<u>(3) "Residence" means a dwelling in which a person resides either temporarily or permanently or is visiting as a guest.</u>	243 244
<u>(4) "Vehicle" means a conveyance of any kind, whether or not motorized, that is designed to transport people or property.</u>	245 246
<u>(D)(E) "Reasonable doubt" is present when the jurors, after they have carefully considered and compared all the evidence, cannot say they are firmly convinced of the truth of the charge. It is a doubt based on reason and common sense. Reasonable doubt is not mere possible doubt, because everything relating to human affairs or depending on moral evidence is open to some possible or imaginary doubt. "Proof beyond a reasonable doubt" is proof of such character that an ordinary person would be willing to rely and act upon it in the most important of his <u>the person's</u> own affairs.</u>	247 248 249 250 251 252 253 254 255 256
<u>Sec. 2901.09. (A) As used in this section, "residence" and "vehicle" have the same meanings as in section 2901.05 of the Revised Code.</u>	257 258 259
<u>(B) For purposes of any section of the Revised Code that sets</u>	260

forth a criminal offense, a person who lawfully is in that 261
person's residence has no duty to retreat before using force in 262
self-defense, defense of another, or defense of that person's 263
residence, and a person who lawfully is an occupant of that 264
person's vehicle or who lawfully is an occupant in a vehicle owned 265
by an immediate family member of the person has no duty to retreat 266
before using force in self-defense or defense of another. 267

Sec. 2923.12. (A) No person shall knowingly carry or have, 268
concealed on the person's person or concealed ready at hand, any 269
of the following: 270

(1) A deadly weapon other than a handgun; 271

(2) A handgun other than a dangerous ordnance; 272

(3) A dangerous ordnance. 273

(B) No person who has been issued a license or temporary 274
emergency license to carry a concealed handgun under section 275
2923.125 or 2923.1213 of the Revised Code or a license to carry a 276
concealed handgun that was issued by another state with which the 277
attorney general has entered into a reciprocity agreement under 278
section 109.69 of the Revised Code shall do any of the following: 279

(1) If the person is stopped for a law enforcement purpose 280
and is carrying a concealed handgun, fail to promptly inform any 281
law enforcement officer who approaches the person after the person 282
has been stopped that the person has been issued a license or 283
temporary emergency license to carry a concealed handgun and that 284
the person then is carrying a concealed handgun; 285

(2) If the person is stopped for a law enforcement purpose 286
and if the person is carrying a concealed handgun, knowingly fail 287
to keep the person's hands in plain sight at any time after any 288
law enforcement officer begins approaching the person while 289
stopped and before the law enforcement officer leaves, unless the 290

failure is pursuant to and in accordance with directions given by 291
a law enforcement officer; 292

(3) If the person is stopped for a law enforcement purpose, 293
if the person is carrying a concealed handgun, and if the person 294
is approached by any law enforcement officer while stopped, 295
knowingly remove or attempt to remove the loaded handgun from the 296
holster, pocket, or other place in which the person is carrying 297
it, knowingly grasp or hold the loaded handgun, or knowingly have 298
contact with the loaded handgun by touching it with the person's 299
hands or fingers at any time after the law enforcement officer 300
begins approaching and before the law enforcement officer leaves, 301
unless the person removes, attempts to remove, grasps, holds, or 302
has contact with the loaded handgun pursuant to and in accordance 303
with directions given by the law enforcement officer; 304

(4) If the person is stopped for a law enforcement purpose 305
and if the person is carrying a concealed handgun, knowingly 306
disregard or fail to comply with any lawful order of any law 307
enforcement officer given while the person is stopped, including, 308
but not limited to, a specific order to the person to keep the 309
person's hands in plain sight. 310

(C)(1) This section does not apply to any of the following: 311

(a) An officer, agent, or employee of this or any other state 312
or the United States, or to a law enforcement officer, who is 313
authorized to carry concealed weapons or dangerous ordnance or is 314
authorized to carry handguns and is acting within the scope of the 315
officer's, agent's, or employee's duties; 316

(b) Any person who is employed in this state, who is 317
authorized to carry concealed weapons or dangerous ordnance or is 318
authorized to carry handguns, and who is subject to and in 319
compliance with the requirements of section 109.801 of the Revised 320
Code, unless the appointing authority of the person has expressly 321

specified that the exemption provided in division (C)(1)(b) of 322
this section does not apply to the person; 323

(c) A person's transportation or storage of a firearm, other 324
than a firearm described in divisions (G) to (M) of section 325
2923.11 of the Revised Code, in a motor vehicle for any lawful 326
purpose if the firearm is not on the actor's person; 327

(d) A person's storage or possession of a firearm, other than 328
a firearm described in divisions (G) to (M) of section 2923.11 of 329
the Revised Code, in the actor's own home for any lawful purpose. 330

(2) Division (A)(2) of this section does not apply to any 331
person who, at the time of the alleged carrying or possession of a 332
handgun, is carrying a valid license or temporary emergency 333
license to carry a concealed handgun issued to the person under 334
section 2923.125 or 2923.1213 of the Revised Code or a license to 335
carry a concealed handgun that was issued by another state with 336
which the attorney general has entered into a reciprocity 337
agreement under section 109.69 of the Revised Code, unless the 338
person knowingly is in a place described in division (B) of 339
section 2923.126 of the Revised Code. 340

(D) It is an affirmative defense to a charge under division 341
(A)(1) of this section of carrying or having control of a weapon 342
other than a handgun and other than a dangerous ordnance that the 343
actor was not otherwise prohibited by law from having the weapon 344
and that any of the following applies: 345

(1) The weapon was carried or kept ready at hand by the actor 346
for defensive purposes while the actor was engaged in or was going 347
to or from the actor's lawful business or occupation, which 348
business or occupation was of a character or was necessarily 349
carried on in a manner or at a time or place as to render the 350
actor particularly susceptible to criminal attack, such as would 351
justify a prudent person in going armed. 352

(2) The weapon was carried or kept ready at hand by the actor 353
for defensive purposes while the actor was engaged in a lawful 354
activity and had reasonable cause to fear a criminal attack upon 355
the actor, a member of the actor's family, or the actor's home, 356
such as would justify a prudent person in going armed. 357

(3) The weapon was carried or kept ready at hand by the actor 358
for any lawful purpose and while in the actor's own home. 359

~~(4) The weapon was being transported in a motor vehicle for 360
any lawful purpose, was not on the actor's person, and, if the 361
weapon was a firearm, was carried in compliance with the 362
applicable requirements of division (C) of section 2923.16 of the 363
Revised Code. 364~~

~~(E) It is an affirmative defense to a charge under division 365
(A) of this section of carrying or having control of a handgun 366
other than a dangerous ordnance that the actor was not otherwise 367
prohibited by law from having the handgun and that the handgun was 368
carried or kept ready at hand by the actor for any lawful purpose 369
and while in the actor's own home, provided that this affirmative 370
defense is not available unless the actor, prior to arriving at 371
the actor's own home, did not transport or possess the handgun in 372
a motor vehicle in a manner prohibited by division (B) or (C) of 373
section 2923.16 of the Revised Code while the motor vehicle was 374
being operated on a street, highway, or other public or private 375
property used by the public for vehicular traffic. 376~~

~~(F) No person who is charged with a violation of this section 377
shall be required to obtain a license or temporary emergency 378
license to carry a concealed handgun under section 2923.125 or 379
2923.1213 of the Revised Code as a condition for the dismissal of 380
the charge. 381~~

~~(G)(F)(1) Whoever violates this section is guilty of carrying 382
concealed weapons. Except as otherwise provided in this division 383~~

or division ~~(G)~~(F)(2) of this section, carrying concealed weapons 384
in violation of division (A) of this section is a misdemeanor of 385
the first degree. Except as otherwise provided in this division or 386
division ~~(G)~~(F)(2) of this section, if the offender previously has 387
been convicted of a violation of this section or of any offense of 388
violence, if the weapon involved is a firearm that is either 389
loaded or for which the offender has ammunition ready at hand, or 390
if the weapon involved is dangerous ordnance, carrying concealed 391
weapons in violation of division (A) of this section is a felony 392
of the fourth degree. Except as otherwise provided in division 393
~~(G)~~(F)(2) of this section, ~~if the weapon involved is a firearm and~~ 394
~~the violation of this section is committed at premises for which a~~ 395
~~D permit has been issued under Chapter 4303. of the Revised Code~~ 396
~~or~~ if the offense is committed aboard an aircraft, or with purpose 397
to carry a concealed weapon aboard an aircraft, regardless of the 398
weapon involved, carrying concealed weapons in violation of 399
division (A) of this section is a felony of the third degree. 400

(2) If a person being arrested for a violation of division 401
(A)(2) of this section promptly produces a valid license or 402
temporary emergency license to carry a concealed handgun issued 403
under section 2923.125 or 2923.1213 of the Revised Code or a 404
license to carry a concealed handgun that was issued by another 405
state with which the attorney general has entered into a 406
reciprocity agreement under section 109.69 of the Revised Code, 407
and if at the time of the violation the person was not knowingly 408
in a place described in division (B) of section 2923.126 of the 409
Revised Code, the officer shall not arrest the person for a 410
violation of that division. If the person is not able to promptly 411
produce any of those types of license and if the person is not in 412
a place described in that section, the officer may arrest the 413
person for a violation of that division, and the offender shall be 414
punished as follows: 415

(a) The offender shall be guilty of a minor misdemeanor if 416
both of the following apply: 417

(i) Within ten days after the arrest, the offender presents a 418
license or temporary emergency license to carry a concealed 419
handgun issued under section 2923.125 or 2923.1213 of the Revised 420
Code or a license to carry a concealed handgun that was issued by 421
another state with which the attorney general has entered into a 422
reciprocity agreement under section 109.69 of the Revised Code, 423
which license was valid at the time of the arrest to the law 424
enforcement agency that employs the arresting officer. 425

(ii) At the time of the arrest, the offender was not 426
knowingly in a place described in division (B) of section 2923.126 427
of the Revised Code. 428

(b) The offender shall be guilty of a misdemeanor and shall 429
be fined five hundred dollars if all of the following apply: 430

(i) The offender previously had been issued a license to 431
carry a concealed handgun under section 2923.125 of the Revised 432
Code or a license to carry a concealed handgun that was issued by 433
another state with which the attorney general has entered into a 434
reciprocity agreement under section 109.69 of the Revised Code and 435
that was similar in nature to a license issued under section 436
2923.125 of the Revised Code, and that license expired within the 437
two years immediately preceding the arrest. 438

(ii) Within forty-five days after the arrest, the offender 439
presents any type of license identified in division 440
~~(G)~~(F)(2)(a)(i) of this section to the law enforcement agency that 441
employed the arresting officer, and the offender waives in writing 442
the offender's right to a speedy trial on the charge of the 443
violation that is provided in section 2945.71 of the Revised Code. 444

(iii) At the time of the commission of the offense, the 445
offender was not knowingly in a place described in division (B) of 446

section 2923.126 of the Revised Code. 447

(c) If neither division ~~(G)~~(F)(2)(a) nor (b) of this section 448
applies, the offender shall be punished under division ~~(G)~~(F)(1) 449
of this section. 450

(3) ~~Carrying~~ Except as otherwise provided in this division, 451
carrying concealed weapons in violation of division (B)(1) of this 452
section is a misdemeanor of the first degree, and, in addition to 453
any other penalty or sanction imposed for a violation of division 454
(B)(1) of this section, the offender's license or temporary 455
emergency license to carry a concealed handgun shall be suspended 456
pursuant to division (A)(2) of section 2923.128 of the Revised 457
Code. If, at the time of the stop of the offender for a law 458
enforcement purpose that was the basis of the violation, any law 459
enforcement officer involved with the stop had actual knowledge 460
that the offender has been issued a license or temporary emergency 461
license to carry a concealed handgun, carrying concealed weapons 462
in violation of division (B)(1) of this section is a minor 463
misdemeanor, and the offender's license or temporary emergency 464
license to carry a concealed handgun shall not be suspended 465
pursuant to division (A)(2) of section 2923.128 of the Revised 466
Code. 467

(4) Carrying concealed weapons in violation of division 468
(B)(2) or (4) of this section is a misdemeanor of the first degree 469
or, if the offender previously has been convicted of or pleaded 470
guilty to a violation of division (B)(2) or (4) of this section, a 471
felony of the fifth degree. In addition to any other penalty or 472
sanction imposed for a misdemeanor violation of division (B)(2) or 473
(4) of this section, the offender's license or temporary emergency 474
license to carry a concealed handgun shall be suspended pursuant 475
to division (A)(2) of section 2923.128 of the Revised Code. 476

(5) Carrying concealed weapons in violation of division 477
(B)(3) of this section is a felony of the fifth degree. 478

~~(H)~~(G) If a law enforcement officer stops a person to
question the person regarding a possible violation of this
section, for a traffic stop, or for any other law enforcement
purpose, if the person 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. If a court orders a law
enforcement officer to return a firearm to a person pursuant to
the requirement set forth in this division, division (B) of
section 2923.163 of the Revised Code applies.

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

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

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

(b) Any person who is employed in this state, who is
authorized to carry firearms, and who is subject to and in
compliance with the requirements of section 109.801 of the Revised
Code, unless the appointing authority of the person has expressly
specified that the exemption provided in division (B)(1)(b) of
this section does not apply to the person-i

~~(2) This section does not apply to any~~ (c) Any room used for
the accommodation of guests of a hotel, as defined in section

4301.01 of the Revised Code-; 510

(d) The principal holder of a D permit issued for premises or an open air arena under Chapter 4303. of the Revised Code while in the premises or open air arena for which the permit was issued if the principal holder of the D permit also possesses a valid license or temporary emergency license to carry a concealed handgun issued to the principal holder under section 2923.125 or 2923.1213 of the Revised Code or a license to carry a concealed handgun that was issued to the principal holder by another state with which the attorney general has entered into a reciprocity agreement under section 109.69 of the Revised Code and as long as the principal holder is not consuming liquor or under the influence of alcohol or a drug of abuse, or any agent or employee of that holder who also is a peace officer, as defined in section 2151.3515 of the Revised Code, who is off duty, and who otherwise is authorized to carry firearms while in the course of the officer's official duties and while in the premises or open air arena for which the permit was issued and as long as the agent or employee of that holder is not consuming liquor or under the influence of alcohol or a drug of abuse. 511
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(e) Any person who 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 to the person by another state with which the attorney general has entered into a reciprocity agreement under section 109.69 of the Revised Code and who possesses the firearm in a retail store with D-6 and D-8 permits issued for that store under sections 4303.182 and 4303.184 of the Revised Code or a D-8 permit issued for that store under section 4303.184 of the Revised Code, as long as the person is not consuming liquor or under the influence of alcohol or a drug of abuse. 530
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~~(3)~~(2) 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.

~~(4)~~(3) 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.

(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:

(1) The firearm was carried or kept ready at hand by the actor for defensive purposes, while the actor was engaged in or was going to or from the actor's lawful business or occupation, which business or occupation was of 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. 574

(D) No person who is charged with a violation of this section 575
shall be required to obtain a license or temporary emergency 576
license to carry a concealed handgun under section 2923.125 or 577
2923.1213 of the Revised Code as a condition for the dismissal of 578
the charge. 579

(E) Whoever violates this section is guilty of illegal 580
possession of a firearm in liquor permit premises⁷. Except as 581
otherwise provided in this division, illegal possession of a 582
firearm in liquor permit premises is a felony of the fifth degree. 583
If the offender commits the violation of this section by knowingly 584
carrying or having the firearm concealed on the offender's person 585
or concealed ready at hand, illegal possession of a firearm in 586
liquor permit premises is a felony of the third degree. 587

Sec. 2923.122. (A) No person shall knowingly convey, or 588
attempt to convey, a deadly weapon or dangerous ordnance into a 589
school safety zone. 590

(B) No person shall knowingly possess a deadly weapon or 591
dangerous ordnance in a school safety zone. 592

(C) No person shall knowingly possess an object in a school 593
safety zone if both of the following apply: 594

(1) The object is indistinguishable from a firearm, whether 595
or not the object is capable of being fired. 596

(2) The person indicates that the person possesses the object 597
and that it is a firearm, or the person knowingly displays or 598
brandishes the object and indicates that it is a firearm. 599

(D)(1) This section does not apply to any of the following: 600

(a) An officer, agent, or employee of this or any other state 601
or the United States, or a law enforcement officer, who is 602
authorized to carry deadly weapons or dangerous ordnance and is 603

acting within the scope of the officer's, agent's, or employee's 604
duties, a security officer employed by a board of education or 605
governing body of a school during the time that the security 606
officer is on duty pursuant to that contract of employment, or any 607
other person who has written authorization from the board of 608
education or governing body of a school to convey deadly weapons 609
or dangerous ordnance into a school safety zone or to possess a 610
deadly weapon or dangerous ordnance in a school safety zone and 611
who conveys or possesses the deadly weapon or dangerous ordnance 612
in accordance with that authorization; 613

(b) Any person who is employed in this state, who is 614
authorized to carry deadly weapons or dangerous ordnance, and who 615
is subject to and in compliance with the requirements of section 616
109.801 of the Revised Code, unless the appointing authority of 617
the person has expressly specified that the exemption provided in 618
division (D)(1)(b) of this section does not apply to the person. 619

(2) Division (C) of this section does not apply to premises 620
upon which home schooling is conducted. Division (C) of this 621
section also does not apply to a school administrator, teacher, or 622
employee who possesses an object that is indistinguishable from a 623
firearm for legitimate school purposes during the course of 624
employment, a student who uses an object that is indistinguishable 625
from a firearm under the direction of a school administrator, 626
teacher, or employee, or any other person who with the express 627
prior approval of a school administrator possesses an object that 628
is indistinguishable from a firearm for a legitimate purpose, 629
including the use of the object in a ceremonial activity, a play, 630
reenactment, or other dramatic presentation, or a ROTC activity or 631
another similar use of the object. 632

(3) This section does not apply to a person who conveys or 633
attempts to convey a handgun into, or possesses a handgun in, a 634
school safety zone if, at the time of that conveyance, attempted 635

conveyance, or possession of the handgun, all of the following
apply:

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

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

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

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

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

(a) The person 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.

(b) The person is the driver or passenger in a motor vehicle
and is in the school safety zone while immediately in the process
of picking up or dropping off a child.

(c) The person is not in violation of section 2923.16 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
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.

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(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

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deny the offender the issuance of any permit or license of that 698
type during the period of the suspension. 699

If the offender is not a resident of this state, the court 700
shall impose a class four suspension of the nonresident operating 701
privilege of the offender from the range specified in division 702
(A)(4) of section 4510.02 of the Revised Code. 703

(2) If the offender shows good cause why the court should not 704
suspend one of the types of licenses, permits, or privileges 705
specified in division (F)(1) of this section or deny the issuance 706
of one of the temporary instruction permits specified in that 707
division, the court in its discretion may choose not to impose the 708
suspension, revocation, or denial required in that division. 709

(G) As used in this section, "object that is 710
indistinguishable from a firearm" means an object made, 711
constructed, or altered so that, to a reasonable person without 712
specialized training in firearms, the object appears to be a 713
firearm. 714

Sec. 2923.125. (A) Upon the request of a person who wishes to 715
obtain a license to carry a concealed handgun or to renew a 716
license to carry a concealed handgun, a sheriff, as provided in 717
division (I) of this section, shall provide to the person free of 718
charge an application form and a copy of the pamphlet described in 719
division (B) of section 109.731 of the Revised Code. A sheriff 720
shall accept a completed application form and the fee, items, 721
materials, and information specified in divisions (B)(1) to (5) of 722
this section at the times and in the manners described in division 723
(I) of this section. 724

(B) An applicant for a license to carry a concealed handgun 725
shall submit a completed application form and all of the following 726
to the sheriff of the county in which the applicant resides or to 727
the sheriff of any county adjacent to the county in which the 728

applicant resides: 729

(1) A nonrefundable license fee prescribed by the Ohio peace 730
officer training commission pursuant to division (C) of section 731
109.731 of the Revised Code, except that the sheriff shall waive 732
the payment of the license fee in connection with an initial or 733
renewal application for a license that is submitted by an 734
applicant who is a retired peace officer, a retired person 735
described in division (B)(1)(b) of section 109.77 of the Revised 736
Code, or a retired federal law enforcement officer who, prior to 737
retirement, was authorized under federal law to carry a firearm in 738
the course of duty, unless the retired peace officer, person, or 739
federal law enforcement officer retired as the result of a mental 740
disability; 741

(2) A color photograph of the applicant that was taken within 742
thirty days prior to the date of the application; 743

(3) One or more of the following competency certifications, 744
each of which shall reflect that, regarding a certification 745
described in division (B)(3)(a), (b), (c), (e), or (f) of this 746
section, within the three years immediately preceding the 747
application the applicant has performed that to which the 748
competency certification relates and that, regarding a 749
certification described in division (B)(3)(d) of this section, the 750
applicant currently is an active or reserve member of the armed 751
forces of the United States or within the six years immediately 752
preceding the application the honorable discharge or retirement to 753
which the competency certification relates occurred: 754

(a) An original or photocopy of a certificate of completion 755
of a firearms safety, training, or requalification or firearms 756
safety instructor course, class, or program that was offered by or 757
under the auspices of the national rifle association and that 758
complies with the requirements set forth in division (G) of this 759
section; 760

(b) An original or photocopy of a certificate of completion 761
of a firearms safety, training, or requalification or firearms 762
safety instructor course, class, or program that satisfies all of 763
the following criteria: 764

(i) It was open to members of the general public. 765

(ii) It utilized qualified instructors who were certified by 766
the national rifle association, the executive director of the Ohio 767
peace officer training commission pursuant to section 109.75 or 768
109.78 of the Revised Code, or a governmental official or entity 769
of another state. 770

(iii) It was offered by or under the auspices of a law 771
enforcement agency of this or another state or the United States, 772
a public or private college, university, or other similar 773
postsecondary educational institution located in this or another 774
state, a firearms training school located in this or another 775
state, or another type of public or private entity or organization 776
located in this or another state. 777

(iv) It complies with the requirements set forth in division 778
(G) of this section. 779

(c) An original or photocopy of a certificate of completion 780
of a state, county, municipal, or department of natural resources 781
peace officer training school that is approved by the executive 782
director of the Ohio peace officer training commission pursuant to 783
section 109.75 of the Revised Code and that complies with the 784
requirements set forth in division (G) of this section, or the 785
applicant has satisfactorily completed and been issued a 786
certificate of completion of a basic firearms training program, a 787
firearms requalification training program, or another basic 788
training program described in section 109.78 or 109.801 of the 789
Revised Code that complies with the requirements set forth in 790
division (G) of this section; 791

(d) A document that evidences both of the following:	792
(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;	793 794 795 796 797 798 799 800
(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.	801 802 803 804 805 806 807
(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;	808 809 810 811 812 813 814 815 816
(f) An affidavit that attests to the applicant's satisfactory completion of a course, class, or program described in division (B)(3)(a), (b), (c), or (e) of this section and that is subscribed by the applicant's instructor or an authorized representative of the entity that offered the course, class, or program or under whose auspices the course, class, or program was offered.	817 818 819 820 821 822

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

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

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

(D)(1) Except as provided in division (D)(3), or (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, the sheriff shall make available
through the law enforcement automated data system in accordance
with division (H) of this section the information described in
that division and, upon making the information available through
the system, shall issue to the applicant a license to carry a
concealed handgun that shall expire as described in division
(D)(2)(a) of this section if all of the following apply:

(a) The applicant is legally living in the United States, has
been a resident of this state for at least forty-five days, and
has been a resident of the county in which the person seeks the

license or a county adjacent to the county in which the person 855
seeks the license for at least thirty days. 856

(b) The applicant is at least twenty-one years of age. 857

(c) The applicant is not a fugitive from justice. 858

(d) The applicant is not under indictment for or otherwise 859
charged with a felony; an offense under Chapter 2925., 3719., or 860
4729. of the Revised Code that involves the illegal possession, 861
use, sale, administration, or distribution of or trafficking in a 862
drug of abuse; a misdemeanor offense of violence; or a violation 863
of section 2903.14 or 2923.1211 of the Revised Code. 864

(e) The Except as otherwise provided in division (D)(5) of 865
this section, the applicant has not been convicted of or pleaded 866
guilty to a felony or an offense under Chapter 2925., 3719., or 867
4729. of the Revised Code that involves the illegal possession, 868
use, sale, administration, or distribution of or trafficking in a 869
drug of abuse; has not been adjudicated a delinquent child for 870
committing an act that if committed by an adult would be a felony 871
or would be an offense under Chapter 2925., 3719., or 4729. of the 872
Revised Code that involves the illegal possession, use, sale, 873
administration, or distribution of or trafficking in a drug of 874
abuse; and has not been convicted of, pleaded guilty to, or 875
adjudicated a delinquent child for committing a violation of 876
section 2903.13 of the Revised Code when the victim of the 877
violation is a peace officer, regardless of whether the applicant 878
was sentenced under division (C)(3) of that section. 879

(f) The Except as otherwise provided in division (D)(5) of 880
this section, the applicant, within three years of the date of the 881
application, has not been convicted of or pleaded guilty to a 882
misdemeanor offense of violence other than a misdemeanor violation 883
of section 2921.33 of the Revised Code or a violation of section 884
2903.13 of the Revised Code when the victim of the violation is a 885

peace officer, or a misdemeanor violation of section 2923.1211 of 886
the Revised Code; and has not been adjudicated a delinquent child 887
for committing an act that if committed by an adult would be a 888
misdemeanor offense of violence other than a misdemeanor violation 889
of section 2921.33 of the Revised Code or a violation of section 890
2903.13 of the Revised Code when the victim of the violation is a 891
peace officer or for committing an act that if committed by an 892
adult would be a misdemeanor violation of section 2923.1211 of the 893
Revised Code. 894

(g) Except as otherwise provided in division (D)(1)(e) of 895
this section, the applicant, within five years of the date of the 896
application, has not been convicted of, pleaded guilty to, or 897
adjudicated a delinquent child for committing two or more 898
violations of section 2903.13 or 2903.14 of the Revised Code. 899

(h) ~~The~~ Except as otherwise provided in division (D)(5) of 900
this section, the applicant, within ten years of the date of the 901
application, has not been convicted of, pleaded guilty to, or 902
adjudicated a delinquent child for committing a violation of 903
section 2921.33 of the Revised Code. 904

(i) The applicant has not been adjudicated as a mental 905
defective, has not been committed to any mental institution, is 906
not under adjudication of mental incompetence, has not been found 907
by a court to be a mentally ill person subject to hospitalization 908
by court order, and is not an involuntary patient other than one 909
who is a patient only for purposes of observation. As used in this 910
division, "mentally ill person subject to hospitalization by court 911
order" and "patient" have the same meanings as in section 5122.01 912
of the Revised Code. 913

(j) The applicant is not currently subject to a civil 914
protection order, a temporary protection order, or a protection 915
order issued by a court of another state. 916

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

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

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

(2)(a) 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~~ March 14, 2007, 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~~ March 14, 2007, shall expire four years after the date of issuance.

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

(b) If a sheriff denies an application under this section because the applicant does not satisfy the criteria described in division (D)(1) of this section, the sheriff shall specify the

grounds for the denial in a written notice to the applicant. The 948
applicant may appeal the denial pursuant to section 119.12 of the 949
Revised Code in the county served by the sheriff who denied the 950
application. If the denial was as a result of the criminal records 951
check conducted pursuant to section 311.41 of the Revised Code and 952
if, pursuant to section 2923.127 of the Revised Code, the 953
applicant challenges the criminal records check results using the 954
appropriate challenge and review procedure specified in that 955
section, the time for filing the appeal pursuant to section 119.12 956
of the Revised Code and this division is tolled during the 957
pendency of the request or the challenge and review. If the court 958
in an appeal under section 119.12 of the Revised Code and this 959
division enters a judgment sustaining the sheriff's refusal to 960
grant to the applicant a license to carry a concealed handgun, the 961
applicant may file a new application beginning one year after the 962
judgment is entered. If the court enters a judgment in favor of 963
the applicant, that judgment shall not restrict the authority of a 964
sheriff to suspend or revoke the license pursuant to section 965
2923.128 or 2923.1213 of the Revised Code or to refuse to renew 966
the license for any proper cause that may occur after the date the 967
judgment is entered. In the appeal, the court shall have full 968
power to dispose of all costs. 969

(3) If the sheriff with whom an application for a license to 970
carry a concealed handgun was filed under this section becomes 971
aware that the applicant has been arrested for or otherwise 972
charged with an offense that would disqualify the applicant from 973
holding the license, the sheriff shall suspend the processing of 974
the application until the disposition of the case arising from the 975
arrest or charge. 976

(4) If the sheriff determines that the applicant is legally 977
living in the United States and is a resident of the county in 978
which the applicant seeks the license or of an adjacent county but 979

does not yet meet the residency requirements described in division 980
(D)(1)(a) of this section, the sheriff shall not deny the license 981
because of the residency requirements but shall not issue the 982
license until the applicant meets those residency requirements. 983

(5) If an applicant has been convicted of or pleaded guilty 984
to an offense identified in division (D)(1)(e), (f), or (h) of 985
this section or has been adjudicated a delinquent child for 986
committing an act or violation identified in any of those 987
divisions, and if a court has ordered the sealing or expungement 988
of the records of that conviction, guilty plea, or adjudication 989
pursuant to sections 2151.355 to 2151.358 or sections 2953.31 to 990
2953.36 of the Revised Code or a court has granted the applicant 991
relief pursuant to section 2923.14 of the Revised Code from the 992
disability imposed pursuant to section 2923.13 of the Revised Code 993
relative to that conviction, guilty plea, or adjudication, the 994
sheriff with whom the application was submitted shall not consider 995
the conviction, guilty plea, or adjudication in making a 996
determination under division (D)(1) or (F) of this section or, in 997
relation to an application for a temporary emergency license to 998
carry a concealed handgun submitted under section 2923.1213 of the 999
Revised Code, in making a determination under division (B)(2) of 1000
that section. 1001

(E) If a license to carry a concealed handgun issued under 1002
this section is lost or is destroyed, the licensee may obtain from 1003
the sheriff who issued that license a duplicate license upon the 1004
payment of a fee of fifteen dollars and the submission of an 1005
affidavit attesting to the loss or destruction of the license. The 1006
sheriff, in accordance with the procedures prescribed in section 1007
109.731 of the Revised Code, shall place on the replacement 1008
license a combination of identifying numbers different from the 1009
combination on the license that is being replaced. 1010

(F)(1) A licensee who wishes to renew a license to carry a 1011

concealed handgun issued under this section shall do so not 1012
earlier than ninety days before the expiration date of the license 1013
~~and not later than thirty days~~ or at any time after the expiration 1014
date of the license by filing with the sheriff of the county in 1015
which the applicant resides or with the sheriff of an adjacent 1016
county an application for renewal of the license obtained pursuant 1017
to division (D) of this section, ~~a new color photograph of the~~ 1018
~~licensee that was taken within thirty days prior to the date of~~ 1019
~~the renewal application,~~ a certification by the applicant that, 1020
subsequent to the issuance of the license, the applicant has 1021
reread the pamphlet prepared by the Ohio peace officer training 1022
commission pursuant to section 109.731 of the Revised Code that 1023
reviews firearms, dispute resolution, and use of deadly force 1024
matters, ~~a new set of fingerprints provided in the manner~~ 1025
~~specified in division (B)(5) of this section regarding initial~~ 1026
~~applications for a license to carry a concealed handgun, and a~~ 1027
nonrefundable license renewal fee unless the fee is waived. ~~The,~~ 1028
and one of the following: 1029

(a) If the licensee previously has not renewed a license to 1030
carry a concealed handgun issued under this section, proof that 1031
the licensee also shall submit at one time had a competency 1032
certification of the type described in division (B)(3) of this 1033
section ~~that is not older than six years or.~~ A valid license is 1034
prima-facie evidence that the licensee at one time had a 1035
competency certification of the type described in division (B)(3) 1036
of this section. 1037

(b) If the licensee previously has renewed a license to carry 1038
a concealed handgun issued under this section, a renewed 1039
competency certification of the type described in division (G)(4) 1040
of this section ~~that is not older than six years.~~ A 1041

(2) A sheriff shall accept a completed renewal application 1042
and, the license renewal fee, items, materials, and information 1043

specified in ~~this~~ division (F)(1) of this section at the times and 1044
in the manners described in division (I) of this section. Upon 1045

~~Upon~~ receipt of a completed renewal application, ~~color~~ 1046
~~photograph,~~ of certification that the applicant has reread the 1047
specified pamphlet prepared by the Ohio peace officer training 1048
commission, ~~new set of fingerprints,~~ of proof of a prior 1049
competency certification for an initial renewal or of a renewed 1050
competency certification for a second or subsequent renewal, and 1051
of a license renewal fee unless the fee is waived, a sheriff, in 1052
the manner specified in section 311.41 of the Revised Code shall 1053
conduct or cause to be conducted the criminal records check and 1054
the incompetency records check described in section 311.41 of the 1055
Revised Code. The sheriff shall renew the license if the sheriff 1056
determines that the applicant continues to satisfy the 1057
requirements described in division (D)(1) of this section, except 1058
that the applicant is not required to ~~submit a renewed competency~~ 1059
~~certification only in the circumstances described in~~ meet the 1060
requirements of ~~division (G)(4)~~ (D)(1)(1) of this section. A 1061
renewed license that is renewed on or after ~~the effective date of~~ 1062
~~this amendment~~ March 14, 2007, shall expire five years after the 1063
date of issuance, and a renewed license that is renewed prior to 1064
~~the effective date of this amendment~~ March 14, 2007, shall expire 1065
four years after the date of issuance. A renewed license is 1066
subject to division (E) of this section and sections 2923.126 and 1067
2923.128 of the Revised Code. A sheriff shall comply with 1068
divisions (D)(2) to (4) of this section when the circumstances 1069
described in those divisions apply to a requested license renewal. 1070
If a sheriff denies the renewal of a license to carry a concealed 1071
handgun, the applicant may appeal the denial, or challenge the 1072
criminal record check results that were the basis of the denial if 1073
applicable, in the same manner as specified in division (D)(2)(b) 1074
of this section and in section 2923.127 of the Revised Code, 1075
regarding the denial of a license under this section. 1076

1077

(G)(1) Each course, class, or program described in division 1078
(B)(3)(a), (b), (c), or (e) of this section shall provide to each 1079
person who takes the course, class, or program a copy of the 1080
pamphlet prepared by the Ohio peace officer training commission 1081
pursuant to section 109.731 of the Revised Code that reviews 1082
firearms, dispute resolution, and use of deadly force matters. 1083
Each such course, class, or program described in one of those 1084
divisions shall include at least twelve hours of training in the 1085
safe handling and use of a firearm that shall include all of the 1086
following: 1087

(a) At least ten hours of training on the following matters: 1088

(i) The ability to name, explain, and demonstrate the rules 1089
for safe handling of a handgun and proper storage practices for 1090
handguns and ammunition; 1091

(ii) The ability to demonstrate and explain how to handle 1092
ammunition in a safe manner; 1093

(iii) The ability to demonstrate the knowledge, skills, and 1094
attitude necessary to shoot a handgun in a safe manner; 1095

(iv) Gun handling training. 1096

(b) At least two hours of training that consists of range 1097
time and live-fire training. 1098

(2) To satisfactorily complete the course, class, or program 1099
described in division (B)(3)(a), (b), (c), or (e) of this section, 1100
the applicant shall pass a competency examination that shall 1101
include both of the following: 1102

(a) A written section on the ability to name and explain the 1103
rules for the safe handling of a handgun and proper storage 1104
practices for handguns and ammunition; 1105

(b) A physical demonstration of competence in the use of a 1106

handgun and in the rules for safe handling and storage of a 1107
handgun and a physical demonstration of the attitude necessary to 1108
shoot a handgun in a safe manner. 1109

(3) The competency certification described in division 1110
(B)(3)(a), (b), (c), or (e) of this section shall be dated and 1111
shall attest that the course, class, or program the applicant 1112
successfully completed met the requirements described in division 1113
(G)(1) of this section and that the applicant passed the 1114
competency examination described in division (G)(2) of this 1115
section. 1116

(4) A person who previously has received a competency 1117
certification as described in division (B)(3) of this section, or 1118
who previously has received a renewed competency certification as 1119
described in this division, may obtain a renewed competency 1120
certification pursuant to this division. If the person previously 1121
has received a competency certification ~~within the preceding six~~ 1122
~~years,~~ or previously has received a renewed competency 1123
certification ~~within the preceding six years,~~ the person may 1124
obtain a renewed competency certification from an entity that 1125
offers a course, class, or program described in division 1126
(B)(3)(a), (b), (c), or (e) of this section by passing a 1127
~~competency examination of the type described in division (G)(2) of~~ 1128
~~this section~~ test that demonstrates that the person is range 1129
competent. In these circumstances, the person is not required to 1130
attend the course, class, or program ~~in order to be eligible~~ or to 1131
take the competency examination described in division (G)(2) of 1132
this section for the renewed competency certification in order to 1133
be eligible to receive a renewed competency certification. ~~If more~~ 1134
~~than six years has elapsed since the person last received a~~ 1135
~~competency certification or a renewed competency certification, in~~ 1136
~~order for the person to obtain a renewed competency certification,~~ 1137
~~the person shall both satisfactorily complete a course, class, or~~ 1138

~~program described in division (B)(3)(a), (b), (c), or (e) of this~~ 1139
~~section and pass a competency examination of the type described in~~ 1140
~~division (G)(2) of this section. A renewed competency~~ 1141
certification issued under this division shall be dated and shall 1142
attest that the applicant passed the competency examination of the 1143
~~type described in division (G)(2) of this section and, if~~ 1144
~~applicable, that the person successfully completed a course,~~ 1145
~~class, or program that met the requirements described in division~~ 1146
~~(G)(1) of this section~~ person has demonstrated range competency. 1147

(H) Upon deciding to issue a license, deciding to issue a 1149
replacement license, or deciding to renew a license to carry a 1150
concealed handgun pursuant to this section, and before actually 1151
issuing or renewing the license, the sheriff shall make available 1152
through the law enforcement automated data system all information 1153
contained on the license. If the license subsequently is suspended 1154
under division (A)(1) or (2) of section 2923.128 of the Revised 1155
Code, revoked pursuant to division (B)(1) of section 2923.128 of 1156
the Revised Code, or lost or destroyed, the sheriff also shall 1157
make available through the law enforcement automated data system a 1158
notation of that fact. The superintendent of the state highway 1159
patrol shall ensure that the law enforcement automated data system 1160
is so configured as to permit the transmission through the system 1161
of the information specified in this division. 1162

(I) A sheriff shall accept a completed application form or 1163
renewal application, and the fee, items, materials, and 1164
information specified in divisions (B)(1) to (5) or division (F) 1165
of this section, whichever is applicable, and shall provide an 1166
application form or renewal application and a copy of the pamphlet 1167
described in division (B) of section 109.731 of the Revised Code 1168
to any person during at least fifteen hours a week. The sheriff 1169
shall post notice of the hours during which the sheriff is 1170

available to accept or provide the information described in this 1171
division. 1172

Sec. 2923.126. (A) A license to carry a concealed handgun 1173
that is issued under section 2923.125 of the Revised Code on or 1174
after ~~the effective date of this amendment~~ March 14, 2007, shall 1175
expire five years after the date of issuance, and a license that 1176
is so issued prior to ~~the effective date of this amendment~~ March 1177
14, 2007, shall expire four years after the date of issuance. A 1178
licensee who has been issued a license under that section shall be 1179
granted a grace period of thirty days after the licensee's license 1180
expires during which the licensee's license remains valid. Except 1181
as provided in divisions (B) and (C) of this section, a licensee 1182
who has been issued a license under section 2923.125 or 2923.1213 1183
of the Revised Code may carry a concealed handgun anywhere in this 1184
state if the licensee also carries a valid license and valid 1185
identification when the licensee is in actual possession of a 1186
concealed handgun. The licensee shall give notice of any change in 1187
the licensee's residence address to the sheriff who issued the 1188
license within forty-five days after that change. 1189

If a licensee is the driver or an occupant of a motor vehicle 1190
that is stopped as the result of a traffic stop or a stop for 1191
another law enforcement purpose and if the licensee is 1192
transporting or has a loaded handgun in the motor vehicle at that 1193
time, the licensee shall promptly inform any law enforcement 1194
officer who approaches the vehicle while stopped that the licensee 1195
has been issued a license or temporary emergency license to carry 1196
a concealed handgun and that the licensee currently possesses or 1197
has a loaded handgun; the licensee shall not knowingly disregard 1198
or fail to comply with lawful orders of a law enforcement officer 1199
given while the motor vehicle is stopped, knowingly fail to remain 1200
in the motor vehicle while stopped, or knowingly fail to keep the 1201
licensee's hands in plain sight after any law enforcement officer 1202

begins approaching the licensee while stopped and before the 1203
officer leaves, unless directed otherwise by a law enforcement 1204
officer; and the licensee shall not knowingly remove, attempt to 1205
remove, grasp, or hold the loaded handgun or knowingly have 1206
contact with the loaded handgun by touching it with the licensee's 1207
hands or fingers, in any manner in violation of division (E) of 1208
section 2923.16 of the Revised Code, after any law enforcement 1209
officer begins approaching the licensee while stopped and before 1210
the officer leaves. Additionally, if a licensee is the driver or 1211
an occupant of a commercial motor vehicle that is stopped by an 1212
employee of the motor carrier enforcement unit for the purposes 1213
defined in section 5503.04 of the Revised Code and if the licensee 1214
is transporting or has a loaded handgun in the commercial motor 1215
vehicle at that time, the licensee shall promptly inform the 1216
employee of the unit who approaches the vehicle while stopped that 1217
the licensee has been issued a license or temporary emergency 1218
license to carry a concealed handgun and that the licensee 1219
currently possesses or has a loaded handgun. 1220

If a licensee is stopped for a law enforcement purpose and if 1221
the licensee is carrying a concealed handgun at the time the 1222
officer approaches, the licensee shall promptly inform any law 1223
enforcement officer who approaches the licensee while stopped that 1224
the licensee has been issued a license or temporary emergency 1225
license to carry a concealed handgun and that the licensee 1226
currently is carrying a concealed handgun; the licensee shall not 1227
knowingly disregard or fail to comply with lawful orders of a law 1228
enforcement officer given while the licensee is stopped or 1229
knowingly fail to keep the licensee's hands in plain sight after 1230
any law enforcement officer begins approaching the licensee while 1231
stopped and before the officer leaves, unless directed otherwise 1232
by a law enforcement officer; and the licensee shall not knowingly 1233
remove, attempt to remove, grasp, or hold the loaded handgun or 1234
knowingly have contact with the loaded handgun by touching it with 1235

the licensee's hands or fingers, in any manner in violation of 1236
division (B) of section 2923.12 of the Revised Code, after any law 1237
enforcement officer begins approaching the licensee while stopped 1238
and before the officer leaves. 1239

(B) A valid license issued under section 2923.125 or 1240
2923.1213 of the Revised Code does not authorize the licensee to 1241
carry a concealed handgun in any manner prohibited under division 1242
(B) of section 2923.12 of the Revised Code or in any manner 1243
prohibited under section 2923.16 of the Revised Code. A valid 1244
license does not authorize the licensee to carry a concealed 1245
handgun into any of the following places: 1246

(1) A police station, sheriff's office, or state highway 1247
patrol station, premises controlled by the bureau of criminal 1248
identification and investigation, a state correctional 1249
institution, jail, workhouse, or other detention facility, an 1250
airport passenger terminal, or an institution that is maintained, 1251
operated, managed, and governed pursuant to division (A) of 1252
section 5119.02 of the Revised Code or division (A)(1) of section 1253
5123.03 of the Revised Code; 1254

(2) A school safety zone, if the licensee's carrying the 1255
concealed handgun is in violation of section 2923.122 of the 1256
Revised Code; 1257

(3) A courthouse or another building or structure in which a 1258
courtroom is located, in violation of section 2923.123 of the 1259
Revised Code; 1260

(4) ~~Any room or open air arena in which liquor is being~~ 1261
~~dispensed in premises~~ or open air arena for which a D permit has 1262
been issued under Chapter 4303. of the Revised Code, if the 1263
licensee's carrying the concealed handgun is in violation of 1264
section 2923.121 of the Revised Code; 1265

(5) Any premises owned or leased by any public or private 1266

college, university, or other institution of higher education, 1267
unless the handgun is in a locked motor vehicle or the licensee is 1268
in the immediate process of placing the handgun in a locked motor 1269
vehicle; 1270

(6) Any church, synagogue, mosque, or other place of worship, 1271
unless the church, synagogue, mosque, or other place of worship 1272
posts or permits otherwise; 1273

(7) A child day-care center, a type A family day-care home, a 1274
type B family day-care home, or a type C family day-care home, 1275
except that this division does not prohibit a licensee who resides 1276
in a type A family day-care home, a type B family day-care home, 1277
or a type C family day-care home from carrying a concealed handgun 1278
at any time in any part of the home that is not dedicated or used 1279
for day-care purposes, or from carrying a concealed handgun in a 1280
part of the home that is dedicated or used for day-care purposes 1281
at any time during which no children, other than children of that 1282
licensee, are in the home; 1283

(8) An aircraft that is in, or intended for operation in, 1284
foreign air transportation, interstate air transportation, 1285
intrastate air transportation, or the transportation of mail by 1286
aircraft; 1287

(9) Any building that is ~~owned by a government facility of~~ 1288
~~this state or any a political subdivision of this state, and all~~ 1289
~~portions of any building that is not owned by any governmental~~ 1290
~~entity listed in this division but that is leased by such a~~ 1291
~~governmental entity listed in this division and that is not a~~ 1292
building that is used primarily as a shelter, restroom, parking 1293
facility for motor vehicles, or rest facility and is not a 1294
courthouse or other building or structure in which a courtroom is 1295
located that is subject to division (B)(3) of this section; 1296

(10) A place in which federal law prohibits the carrying of 1297

handguns. 1298

(C)(1) Nothing in this section shall negate or restrict a 1299
rule, policy, or practice of a private employer that is not a 1300
private college, university, or other institution of higher 1301
education concerning or prohibiting the presence of firearms on 1302
the private employer's premises or property, including motor 1303
vehicles owned by the private employer. Nothing in this section 1304
shall require a private employer of that nature to adopt a rule, 1305
policy, or practice concerning or prohibiting the presence of 1306
firearms on the private employer's premises or property, including 1307
motor vehicles owned by the private employer. 1308

(2)(a) A private employer shall be immune from liability in a 1309
civil action for any injury, death, or loss to person or property 1310
that allegedly was caused by or related to a licensee bringing a 1311
handgun onto the premises or property of the private employer, 1312
including motor vehicles owned by the private employer, unless the 1313
private employer acted with malicious purpose. A private employer 1314
is immune from liability in a civil action for any injury, death, 1315
or loss to person or property that allegedly was caused by or 1316
related to the private employer's decision to permit a licensee to 1317
bring, or prohibit a licensee from bringing, a handgun onto the 1318
premises or property of the private employer. As used in this 1319
division, "private employer" includes a private college, 1320
university, or other institution of higher education. 1321

(b) A political subdivision shall be immune from liability in 1322
a civil action, to the extent and in the manner provided in 1323
Chapter 2744. of the Revised Code, for any injury, death, or loss 1324
to person or property that allegedly was caused by or related to a 1325
licensee bringing a handgun onto any premises or property owned, 1326
leased, or otherwise under the control of the political 1327
subdivision. As used in this division, "political subdivision" has 1328
the same meaning as in section 2744.01 of the Revised Code. 1329

(3) The (a) Except as provided in division (C)(3)(b) of this section, 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 Except as otherwise provided in this division, 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. If a person knowingly violates a posted prohibition of that nature and the posted land or premises primarily was a parking lot or other parking facility, the person is not guilty of criminal trespass in violation of division (A)(4) of section 2911.21 of the Revised Code and instead is subject only to a civil cause of action for trespass based on the violation. 1330
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(b) A landlord may not prohibit or restrict a tenant who is a licensee and who on or after the effective date of this amendment enters into a rental agreement with the landlord for the use of residential premises, and the tenant's guest while the tenant is present, from lawfully carrying or possessing a handgun on those residential premises. 1348
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(c) As used in division (C)(3) of this section: 1354

(i) "Residential premises" has the same meaning as in section 5321.01 of the Revised Code, except "residential premises" does not include a dwelling unit that is owned or operated by a college or university. 1355
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(ii) "Landlord," "tenant," and "rental agreement" have the same meanings as in section 5321.01 of the Revised Code. 1359
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(D) A person who holds a license to carry a concealed handgun 1361
that was issued pursuant to the law of another state that is 1362
recognized by the attorney general pursuant to a reciprocity 1363
agreement entered into pursuant to section 109.69 of the Revised 1364
Code has the same right to carry a concealed handgun in this state 1365
as a person who was issued a license to carry a concealed handgun 1366
under section 2923.125 of the Revised Code and is subject to the 1367
same restrictions that apply to a person who carries a license 1368
issued under that section. 1369

(E) A peace officer has the same right to carry a concealed 1370
handgun in this state as a person who was issued a license to 1371
carry a concealed handgun under section 2923.125 of the Revised 1372
Code. For purposes of reciprocity with other states, a peace 1373
officer shall be considered to be a licensee in this state. 1374

(F)(1) A qualified retired peace officer who possesses a 1375
retired peace officer identification card issued pursuant to 1376
division (F)(2) of this section and a valid firearms 1377
requalification certification issued pursuant to division (F)(3) 1378
of this section has the same right to carry a concealed handgun in 1379
this state as a person who was issued a license to carry a 1380
concealed handgun under section 2923.125 of the Revised Code and 1381
is subject to the same restrictions that apply to a person who 1382
carries a license issued under that section. For purposes of 1383
reciprocity with other states, a qualified retired peace officer 1384
who possesses a retired peace officer identification card issued 1385
pursuant to division (F)(2) of this section and a valid firearms 1386
requalification certification issued pursuant to division (F)(3) 1387
of this section shall be considered to be a licensee in this 1388
state. 1389

(2)(a) Each public agency of this state or of a political 1390
subdivision of this state that is served by one or more peace 1391
officers shall issue a retired peace officer identification card 1392

to any person who retired from service as a peace officer with 1393
that agency, if the issuance is in accordance with the agency's 1394
policies and procedures and if the person, with respect to the 1395
person's service with that agency, satisfies all of the following: 1396

(i) The person retired in good standing from service as a 1397
peace officer with the public agency, and the retirement was not 1398
for reasons of mental instability. 1399

(ii) Before retiring from service as a peace officer with 1400
that agency, the person was authorized to engage in or supervise 1401
the prevention, detection, investigation, or prosecution of, or 1402
the incarceration of any person for, any violation of law and the 1403
person had statutory powers of arrest. 1404

(iii) At the time of the person's retirement as a peace 1405
officer with that agency, the person was trained and qualified to 1406
carry firearms in the performance of the peace officer's duties. 1407

(iv) Before retiring from service as a peace officer with 1408
that agency, the person was regularly employed as a peace officer 1409
for an aggregate of fifteen years or more, or, in the alternative, 1410
the person retired from service as a peace officer with that 1411
agency, after completing any applicable probationary period of 1412
that service, due to a service-connected disability, as determined 1413
by the agency. 1414

~~(v) The person has a nonforfeitable right to benefits under 1415
the retirement plan of that agency. 1416~~

(b) A retired peace officer identification card issued to a 1417
person under division (F)(2)(a) of this section shall identify the 1418
person by name, contain a photograph of the person, identify the 1419
public agency of this state or of the political subdivision of 1420
this state from which the person retired as a peace officer and 1421
that is issuing the identification card, and specify that the 1422
person retired in good standing from service as a peace officer 1423

with the issuing public agency and satisfies the criteria set 1424
forth in divisions (F)(2)(a)(i) to ~~(v)~~(iv) of this section. In 1425
addition to the required content specified in this division, a 1426
retired peace officer identification card issued to a person under 1427
division (F)(2)(a) of this section may include the firearms 1428
requalification certification described in division (F)(3) of this 1429
section, and if the identification card includes that 1430
certification, the identification card shall serve as the firearms 1431
requalification certification for the retired peace officer. If 1432
the issuing public agency issues credentials to active law 1433
enforcement officers who serve the agency, the agency may comply 1434
with division (F)(2)(a) of this section by issuing the same 1435
credentials to persons who retired from service as a peace officer 1436
with the agency and who satisfy the criteria set forth in 1437
divisions (F)(2)(a)(i) to ~~(v)~~(iv) of this section, provided that 1438
the credentials so issued to retired peace officers are stamped 1439
with the word "RETIRED." 1440

(c) A public agency of this state or of a political 1441
subdivision of this state may charge persons who retired from 1442
service as a peace officer with the agency a reasonable fee for 1443
issuing to the person a retired peace officer identification card 1444
pursuant to division (F)(2)(a) of this section. 1445

(3) If a person retired from service as a peace officer with 1446
a public agency of this state or of a political subdivision of 1447
this state and the person satisfies the criteria set forth in 1448
divisions (F)(2)(a)(i) to ~~(v)~~(iv) of this section, the public 1449
agency may provide the retired peace officer with the opportunity 1450
to attend a firearms requalification program that is approved for 1451
purposes of firearms requalification required under section 1452
109.801 of the Revised Code. The retired peace officer may be 1453
required to pay the cost of the course. 1454

If a retired peace officer who satisfies the criteria set 1455

forth in divisions (F)(2)(a)(i) to ~~(v)~~(iv) of this section attends 1456
a firearms requalification program that is approved for purposes 1457
of firearms requalification required under section 109.801 of the 1458
Revised Code, the retired peace officer's successful completion of 1459
the firearms requalification program requalifies the retired peace 1460
officer for purposes of division (F) of this section for ~~one year~~ 1461
five years from the date on which the program was successfully 1462
completed, and the requalification is valid during that ~~one year~~ 1463
five-year period. If a retired peace officer who satisfies the 1464
criteria set forth in divisions (F)(2)(a)(i) to ~~(v)~~(iv) of this 1465
section satisfactorily completes such a firearms requalification 1466
program, the retired peace officer shall be issued a firearms 1467
requalification certification that identifies the retired peace 1468
officer by name, identifies the entity that taught the program, 1469
specifies that the retired peace officer successfully completed 1470
the program, specifies the date on which the course was 1471
successfully completed, and specifies that the requalification is 1472
valid for ~~one year~~ five years from that date of successful 1473
completion. The firearms requalification certification for a 1474
retired peace officer may be included in the retired peace officer 1475
identification card issued to the retired peace officer under 1476
division (F)(2) of this section. 1477

A retired peace officer who attends a firearms 1478
requalification program that is approved for purposes of firearms 1479
requalification required under section 109.801 of the Revised Code 1480
may be required to pay the cost of the program. 1481

~~(4)~~(G) As used in ~~division (F)~~ of this section: 1482

~~(a)~~(1) "Qualified retired peace officer" means a person who 1483
satisfies all of the following: 1484

~~(i)~~(a) The person satisfies the criteria set forth in 1485
divisions (F)(2)(a)(i) to (v) of this section. 1486

~~(ii)~~(b) The person is not under the influence of alcohol or 1487
another intoxicating or hallucinatory drug or substance. 1488

~~(iii)~~(c) The person is not prohibited by federal law from 1489
receiving firearms. 1490

~~(b)~~(2) "Retired peace officer identification card" means an 1491
identification card that is issued pursuant to division (F)(2) of 1492
this section to a person who is a retired peace officer. 1493

(3) "Government facility of this state or a political 1494
subdivision of this state" means any of the following: 1495

(a) A building or part of a building that is owned or leased 1496
by the government of this state or a political subdivision of this 1497
state and where employees of the government of this state or the 1498
political subdivision regularly are present for the purpose of 1499
performing their official duties as employees of the state or 1500
political subdivision; 1501

(b) The office of a deputy registrar serving pursuant to 1502
Chapter 4503. of the Revised Code that is used to perform deputy 1503
registrar functions. 1504

Sec. 2923.128. (A)(1)(a) If a licensee holding a valid 1505
license issued under section 2923.125 or 2923.1213 of the Revised 1506
Code is arrested for or otherwise charged with an offense 1507
described in division (D)(1)(d) of section 2923.125 of the Revised 1508
Code or with a violation of section 2923.15 of the Revised Code or 1509
becomes subject to a temporary protection order or to a protection 1510
order issued by a court of another state that is substantially 1511
equivalent to a temporary protection order, the sheriff who issued 1512
the license or temporary emergency license shall suspend it and 1513
shall comply with division (A)(3) of this section upon becoming 1514
aware of the arrest, charge, or protection order. Upon suspending 1515
the license or temporary emergency license, the sheriff also shall 1516

comply with division (H) of section 2923.125 of the Revised Code. 1517

(b) A suspension under division (A)(1)(a) of this section 1518
shall be considered as beginning on the date that the licensee is 1519
arrested for or otherwise charged with an offense described in 1520
that division or on the date the appropriate court issued the 1521
protection order described in that division, irrespective of when 1522
the sheriff notifies the licensee under division (A)(3) of this 1523
section. The suspension shall end on the date on which the charges 1524
are dismissed or the licensee is found not guilty of the offense 1525
described in division (A)(1)(a) of this section or, subject to 1526
division (B) of this section, on the date the appropriate court 1527
terminates the protection order described in that division. If the 1528
suspension so ends, the sheriff shall return the license or 1529
temporary emergency license to the licensee. 1530

(2)(a) If a licensee holding a valid license issued under 1531
section 2923.125 or 2923.1213 of the Revised Code is convicted of 1532
or pleads guilty to a misdemeanor violation of division (B)(1), 1533
(2), or (4) of section 2923.12 of the Revised Code or of division 1534
(E)(3), (4), or (6) of section 2923.16 of the Revised Code, except 1535
as provided in division (A)(2)(c) of this section and subject to 1536
division (C) of this section, the sheriff who issued the license 1537
or temporary emergency license shall suspend it and shall comply 1538
with division (A)(3) of this section upon becoming aware of the 1539
conviction or guilty plea. Upon suspending the license or 1540
temporary emergency license, the sheriff also shall comply with 1541
division (H) of section 2923.125 of the Revised Code. 1542

(b) A suspension under division (A)(2)(a) of this section 1543
shall be considered as beginning on the date that the licensee is 1544
convicted of or pleads guilty to the offense described in that 1545
division, irrespective of when the sheriff notifies the licensee 1546
under division (A)(3) of this section. If the suspension is 1547
imposed for a misdemeanor violation of division (B)(1) or (2) of 1548

section 2923.12 of the Revised Code or of division (E)(3) or (4) 1549
of section 2923.16 of the Revised Code, it shall end ~~of~~ on the 1550
date that is one year after the date that the licensee is 1551
convicted of or pleads guilty to that violation. If the suspension 1552
is imposed for a misdemeanor violation of division (B)(4) of 1553
section 2923.12 of the Revised Code or of division (E)(6) of 1554
section 2923.16 of the Revised Code, it shall end on the date that 1555
is two years after the date that the licensee is convicted of or 1556
pleads guilty to that violation. If the licensee's license was 1557
issued under section 2923.125 of the Revised Code and the license 1558
remains valid after the suspension ends as described in this 1559
division, when the suspension ends, the sheriff shall return the 1560
license to the licensee. If the licensee's license was issued 1561
under section 2923.125 of the Revised Code and the license expires 1562
before the suspension ends as described in this division, or if 1563
the licensee's license was issued under section 2923.1213 of the 1564
Revised Code, the licensee is not eligible to apply for a new 1565
license under section 2923.125 or 2923.1213 of the Revised Code or 1566
to renew the license under section 2923.125 of the Revised Code 1567
until after the suspension ends as described in this division. 1568

(c) The license of a licensee who is convicted of or pleads 1569
guilty to a violation of division (B)(1) of section 2923.12 or 1570
division (E)(3) of section 2923.16 of the Revised Code shall not 1571
be suspended pursuant to division (A)(2)(a) of this section if, at 1572
the time of the stop of the licensee for a law enforcement 1573
purpose, for a traffic stop, or for a purpose defined in section 1574
5503.34 of the Revised Code that was the basis of the violation, 1575
any law enforcement officer involved with the stop or the employee 1576
of the motor carrier enforcement unit who made the stop had actual 1577
knowledge of the licensee's status as a licensee. 1578

(3) Upon becoming aware of an arrest, charge, or protection 1579
order described in division (A)(1)(a) of this section with respect 1580

to a licensee who was issued a license under section 2923.125 or 1581
2923.1213 of the Revised Code, or a conviction of or plea of 1582
guilty to a misdemeanor offense described in division (A)(2)(a) of 1583
this section with respect to a licensee who was issued a license 1584
under either section and with respect to which division (A)(2)(c) 1585
of this section does not apply, subject to division (C) of this 1586
section, the sheriff who issued the licensee's license or 1587
temporary emergency license to carry a concealed handgun shall 1588
notify the licensee, by certified mail, return receipt requested, 1589
at the licensee's last known residence address that the license or 1590
temporary emergency license has been suspended and that the 1591
licensee is required to surrender the license or temporary 1592
emergency license at the sheriff's office within ten days of the 1593
date on which the notice was mailed. If the suspension is pursuant 1594
to division (A)(2) of this section, the notice shall identify the 1595
date on which the suspension ends. 1596

(B)(1) A sheriff who issues a license or temporary emergency 1597
license to carry a concealed handgun to a licensee under section 1598
2923.125 or 2923.1213 of the Revised Code shall revoke the license 1599
or temporary emergency license in accordance with division (B)(2) 1600
of this section upon becoming aware that the licensee satisfies 1601
any of the following: 1602

(a) The licensee is under twenty-one years of age. 1603

(b) ~~At~~ Subject to division (C) of this section, at the time 1604
of the issuance of the license or temporary emergency license, the 1605
licensee did not satisfy the eligibility requirements of division 1606
(D)(1)(c), (d), (e), (f), (g), or (h) of section 2923.125 of the 1607
Revised Code. 1608

(c) ~~On~~ Subject to division (C) of this section, on or after 1609
the date on which the license or temporary emergency license was 1610
issued, the licensee is convicted of or pleads guilty to a 1611
violation of section 2923.15 of the Revised Code or an offense 1612

described in division (D)(1)(e), (f), (g), or (h) of section 1613
2923.125 of the Revised Code. 1614

(d) On or after the date on which the license or temporary 1615
emergency license was issued, the licensee becomes subject to a 1616
civil protection order or to a protection order issued by a court 1617
of another state that is substantially equivalent to a civil 1618
protection order. 1619

(e) The licensee knowingly carries a concealed handgun into a 1620
place that the licensee knows is an unauthorized place specified 1621
in division (B) of section 2923.126 of the Revised Code. 1622

(f) On or after the date on which the license or temporary 1623
emergency license was issued, the licensee is adjudicated as a 1624
mental defective or is committed to a mental institution. 1625

(g) At the time of the issuance of the license or temporary 1626
emergency license, the licensee did not meet the residency 1627
requirements described in division (D)(1) of section 2923.125 of 1628
the Revised Code and currently does not meet the residency 1629
requirements described in that division. 1630

(h) Regarding a license issued under section 2923.125 of the 1631
Revised Code, the competency certificate the licensee submitted 1632
was forged or otherwise was fraudulent. 1633

(2) Upon becoming aware of any circumstance listed in 1634
division (B)(1) of this section that applies to a particular 1635
licensee who was issued a license under section 2923.125 or 1636
2923.1213 of the Revised Code, subject to division (C) of this 1637
section, the sheriff who issued the license or temporary emergency 1638
license to carry a concealed handgun to the licensee shall notify 1639
the licensee, by certified mail, return receipt requested, at the 1640
licensee's last known residence address that the license or 1641
temporary emergency license is subject to revocation and that the 1642
licensee may come to the sheriff's office and contest the 1643

sheriff's proposed revocation within fourteen days of the date on 1644
which the notice was mailed. After the fourteen-day period and 1645
after consideration of any information that the licensee provides 1646
during that period, if the sheriff determines on the basis of the 1647
information of which the sheriff is aware that the licensee is 1648
described in division (B)(1) of this section and no longer 1649
satisfies the requirements described in division (D)(1) of section 1650
2923.125 of the Revised Code that are applicable to the licensee's 1651
type of license, the sheriff shall revoke the license or temporary 1652
emergency license, notify the licensee of that fact, and require 1653
the licensee to surrender the license or temporary emergency 1654
license. Upon revoking the license or temporary emergency license, 1655
the sheriff also shall comply with division (H) of section 1656
2923.125 of the Revised Code. 1657

(C) If a sheriff who issues a license or temporary emergency 1658
license to carry a concealed handgun to a licensee under section 1659
2923.125 or 2923.1213 of the Revised Code becomes aware that at 1660
the time of the issuance of the license or temporary emergency 1661
license the licensee had been convicted of or pleaded guilty to an 1662
offense identified in division (D)(1)(e), (f), or (h) of section 1663
2923.125 of the Revised Code or had been adjudicated a delinquent 1664
child for committing an act or violation identified in any of 1665
those divisions or becomes aware that on or after the date on 1666
which the license or temporary emergency license was issued the 1667
licensee has been convicted of or pleaded guilty to an offense 1668
identified in division (A)(2)(a) or (B)(1)(c) of this section, the 1669
sheriff shall not consider that conviction, guilty plea, or 1670
adjudication as having occurred for purposes of divisions (A)(2), 1671
(A)(3), (B)(1), and (B)(2) of this section if a court has ordered 1672
the sealing or expungement of the records of that conviction, 1673
guilty plea, or adjudication pursuant to sections 2151.355 to 1674
2151.358 or sections 2953.31 to 2953.36 of the Revised Code or a 1675
court has granted the licensee relief pursuant to section 2923.14 1676

of the Revised Code from the disability imposed pursuant to 1677
section 2923.13 of the Revised Code relative to that conviction, 1678
guilty plea, or adjudication. 1679

(D) As used in this section, "motor carrier enforcement unit" 1680
has the same meaning as in section 2923.16 of the Revised Code. 1681

Sec. 2923.129. (A)(1) If a sheriff, the superintendent of the 1682
bureau of criminal identification and investigation, the employees 1683
of the bureau, the Ohio peace officer training commission, or the 1684
employees of the commission make a good faith effort in performing 1685
the duties imposed upon the sheriff, the superintendent, the 1686
bureau's employees, the commission, or the commission's employees 1687
by sections 109.731, 311.41, and 2923.124 to 2923.1213 of the 1688
Revised Code, in addition to the personal immunity provided by 1689
section 9.86 of the Revised Code or division (A)(6) of section 1690
2744.03 of the Revised Code and the governmental immunity of 1691
sections 2744.02 and 2744.03 of the Revised Code and in addition 1692
to any other immunity possessed by the bureau, the commission, and 1693
their employees, the sheriff, the sheriff's office, the county in 1694
which the sheriff has jurisdiction, the bureau, the superintendent 1695
of the bureau, the bureau's employees, the commission, and the 1696
commission's employees are immune from liability in a civil action 1697
for injury, death, or loss to person or property that allegedly 1698
was caused by or related to any of the following: 1699

(a) The issuance, renewal, suspension, or revocation of a 1700
license to carry a concealed handgun or the issuance, suspension, 1701
or revocation of a temporary emergency license to carry a 1702
concealed handgun; 1703

(b) The failure to issue, renew, suspend, or revoke a license 1704
to carry a concealed handgun or the failure to issue, suspend, or 1705
revoke a temporary emergency license to carry a concealed handgun; 1706

(c) Any action or misconduct with a handgun committed by a 1707

licensee. 1708

(2) Any action of a sheriff relating to the issuance, 1709
renewal, suspension, or revocation of a license to carry a 1710
concealed handgun or the issuance, suspension, or revocation of a 1711
temporary emergency license to carry a concealed handgun shall be 1712
considered to be a governmental function for purposes of Chapter 1713
2744. of the Revised Code. 1714

(3) An entity that or instructor who provides a competency 1715
certification of a type described in division (B)(3) of section 1716
2923.125 of the Revised Code is immune from civil liability that 1717
might otherwise be incurred or imposed for any death or any injury 1718
or loss to person or property that is caused by or related to a 1719
person to whom the entity or instructor has issued the competency 1720
certificate if all of the following apply: 1721

(a) The alleged liability of the entity or instructor relates 1722
to the training provided in the course, class, or program covered 1723
by the competency certificate. 1724

(b) The entity or instructor makes a good faith effort in 1725
determining whether the person has satisfactorily completed the 1726
course, class, or program and makes a good faith effort in 1727
assessing the person in the competency examination conducted 1728
pursuant to division (G)(2) of section 2923.125 of the Revised 1729
Code. 1730

(c) The entity or instructor did not issue the competency 1731
certificate with malicious purpose, in bad faith, or in a wanton 1732
or reckless manner. 1733

(4) An entity that or instructor who provides a renewed 1734
competency certification of a type described in division (G)(4) of 1735
section 2923.125 of the Revised Code is immune from civil 1736
liability that might otherwise be incurred or imposed for any 1737
death or any injury or loss to person or property that is caused 1738

by or related to a person to whom the entity or instructor has 1739
issued the renewed competency certificate if all of the following 1740
apply: 1741

(a) The entity or instructor makes a good faith effort in 1742
assessing the person in the physical demonstrations or the 1743
competency examination conducted pursuant to division (G)~~(2)~~(4) of 1744
section 2923.125 of the Revised Code. 1745

(b) The entity or instructor did not issue the renewed 1746
competency certificate with malicious purpose, in bad faith, or in 1747
a wanton or reckless manner. 1748

(5) A law enforcement agency that employs a peace officer is 1749
immune from liability in a civil action to recover damages for 1750
injury, death, or loss to person or property allegedly caused by 1751
any act of that peace officer if the act occurred while the peace 1752
officer carried a concealed handgun and was off duty and if the 1753
act allegedly involved the peace officer's use of the concealed 1754
handgun. Sections 9.86 and 9.87, and Chapter 2744., of the Revised 1755
Code apply to any civil action involving a peace officer's use of 1756
a concealed handgun in the performance of the peace officer's 1757
official duties while the peace officer is off duty. 1758

(B)(1) Notwithstanding section 149.43 of the Revised Code, 1759
except as provided in division (B)(2) of this section, the records 1760
that a sheriff keeps relative to the issuance, renewal, 1761
suspension, or revocation of a license to carry a concealed 1762
handgun or the issuance, suspension, or revocation of a temporary 1763
emergency license to carry a concealed handgun, including, but not 1764
limited to, completed applications for the issuance or renewal of 1765
a license, completed affidavits submitted regarding an application 1766
for a temporary emergency license, reports of criminal records 1767
checks and incompetency records checks under section 311.41 of the 1768
Revised Code, and applicants' social security numbers and 1769
fingerprints that are obtained under division (A) of section 1770

311.41 of the Revised Code, are confidential and are not public 1771
records. Except as provided in division (B)(2) of this section, no 1772
person shall release or otherwise disseminate records that are 1773
confidential under this division unless required to do so pursuant 1774
to a court order. 1775

(2)(a) A journalist, on or after April 8, 2004, may submit to 1776
a sheriff a signed, written request to view the name, county of 1777
residence, and date of birth of each person to whom the sheriff 1778
has issued a license or replacement license to carry a concealed 1779
handgun, renewed a license to carry a concealed handgun, or issued 1780
a temporary emergency license or replacement temporary emergency 1781
license to carry a concealed handgun under section 2923.125 or 1782
2923.1213 of the Revised Code, or a signed, written request to 1783
view the name, county of residence, and date of birth of each 1784
person for whom the sheriff has suspended or revoked a license to 1785
carry a concealed handgun or a temporary emergency license to 1786
carry a concealed handgun under section 2923.128 of the Revised 1787
Code. The request shall include the journalist's name and title, 1788
shall include the name and address of the journalist's employer, 1789
and shall state that disclosure of the information sought would be 1790
in the public interest. If a journalist submits a signed, written 1791
request to the sheriff to view the information described in this 1792
division, the sheriff shall grant the journalist's request. The 1793
journalist shall not copy the name, county of residence, or date 1794
of birth of each person to or for whom the sheriff has issued, 1795
suspended, or revoked a license described in this division. 1796

(b) As used in division (B)(2) of this section, "journalist" 1797
means a person engaged in, connected with, or employed by any news 1798
medium, including a newspaper, magazine, press association, news 1799
agency, or wire service, a radio or television station, or a 1800
similar medium, for the purpose of gathering, processing, 1801
transmitting, compiling, editing, or disseminating information for 1802

the general public. 1803

(C) Each sheriff shall report to the Ohio peace officer 1804
training commission the number of licenses to carry a concealed 1805
handgun that the sheriff issued, renewed, suspended, revoked, or 1806
denied during the previous quarter of the calendar year, the 1807
number of applications for those licenses for which processing was 1808
suspended in accordance with division (D)(3) of section 2923.125 1809
of the Revised Code during the previous quarter of the calendar 1810
year, and the number of temporary emergency licenses to carry a 1811
concealed handgun that the sheriff issued, suspended, revoked, or 1812
denied during the previous quarter of the calendar year. The 1813
sheriff shall not include in the report the name or any other 1814
identifying information of an applicant or licensee. The sheriff 1815
shall report that information in a manner that permits the 1816
commission to maintain the statistics described in division (D) of 1817
section 109.731 of the Revised Code and to timely prepare the 1818
statistical report described in that division. The information 1819
that is received by the commission under this division is a public 1820
record kept by the commission for the purposes of section 149.43 1821
of the Revised Code. 1822

(D) Law enforcement agencies may use the information a 1823
sheriff makes available through the use of the law enforcement 1824
automated data system pursuant to division (H) of section 2923.125 1825
or division (B)(2) or (D) of section 2923.1213 of the Revised Code 1826
for law enforcement purposes only. The information is confidential 1827
and is not a public record. A person who releases or otherwise 1828
disseminates this information obtained through the law enforcement 1829
automated data system in a manner not described in this division 1830
is guilty of a violation of section 2913.04 of the Revised Code. 1831

(E) Whoever violates division (B) of this section is guilty 1832
of illegal release of confidential concealed handgun license 1833
records, a felony of the fifth degree. In addition to any 1834

penalties imposed under Chapter 2929. of the Revised Code for a 1835
violation of division (B) of this section or a violation of 1836
section 2913.04 of the Revised Code described in division (D) of 1837
this section, if the offender is a sheriff, an employee of a 1838
sheriff, or any other public officer or employee, and if the 1839
violation was willful and deliberate, the offender shall be 1840
subject to a civil fine of one thousand dollars. Any person who is 1841
harmed by a violation of division (B) or (C) of this section or a 1842
violation of section 2913.04 of the Revised Code described in 1843
division (D) of this section has a private cause of action against 1844
the offender for any injury, death, or loss to person or property 1845
that is a proximate result of the violation and may recover court 1846
costs and attorney's fees related to the action. 1847

Sec. 2923.1210. The application for a license to carry a 1848
concealed handgun or for the renewal of a license of that nature 1849
that is to be used under section 2923.125 of the Revised Code 1850
shall conform substantially to the following form: 1851

"Ohio Peace APPLICATION FOR A LICENSE TO 1852
Officer CARRY A CONCEALED HANDGUN
Training
Commission

 Please Type or Print in Ink 1853

SECTION I. 1854

This application will not be processed unless 1855
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.	1856
Name:	1857
Last	1858
First	1859
Middle	1859
.....	1859
Social Security Number:	1860
Current Residence:	1861
Street	1862
City	1862
State	1862
County	1862
Zip	1862
.....	1863
Mailing Address (If Different From Above):	1864
Street	1865
City	1865
State	1865
Zip	1865
.....	1866
Date of Birth	1867
Place of Birth	1867
Sex	1867
Race	1867
Residence	1867
Telephone	1867
...../...../.....	1868
.....	1868
.....	1868
.....	1868
.....	1868
SECTION III. THE FOLLOWING QUESTIONS ARE TO BE ANSWERED YES OR NO	1869
(1)(a) Are you legally living in the United States?	1870
.... YES	1870
.... NO	1870
(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?	1871
.... YES	1871
.... NO	1871
(2) Are you at least twenty-one years of age?	1872
.... YES	1872
.... NO	1872
(3) Are you a fugitive from justice?	1873
.... YES	1873
.... NO	1873
(4) Are you under indictment for a felony, <u>or</u> , <u>except for a conviction or guilty plea the records of which a court has ordered sealed or expunged or relative to which a court has granted relief from disability pursuant to section 2923.14 of the Revised Code</u> , have you ever been convicted of or pleaded guilty to a	1874

felony, or, except for a delinquent child adjudication the records of which a court has ordered sealed or expunged or relative to which a court has granted relief from disability pursuant to section 2923.14 of the Revised Code, 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 charged with, or, except for a conviction or guilty plea the records of which a court has ordered sealed or expunged or relative to which a court has granted relief from disability pursuant to section 2923.14 of the Revised Code, 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 or relative to which a court has granted relief from disability pursuant to section 2923.14 of the Revised Code, have you ever been adjudicated a delinquent child for committing an act that would be an offense of that nature if committed by an adult? YES NO 1875

charged with, or, except for a conviction or guilty plea the records of which a court has ordered sealed or expunged or relative to which a court has granted relief from disability pursuant to section 2923.14 of the Revised Code, 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 or relative to which a court has granted relief from disability pursuant to section 2923.14 of the Revised Code, 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 charged with, or, except for a conviction or guilty plea the records of which a court has ordered sealed or expunged or relative to which a court has granted relief from YES NO 1876

which a court has granted relief from

disability pursuant to section 2923.14 of the Revised Code, 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 or relative to which a court has granted relief from disability pursuant to section 2923.14 of the Revised Code, 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 or relative to which a court has granted relief from disability pursuant to section 2923.14 of the Revised Code, 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 or relative to which a court has granted relief from disability pursuant to section 2923.14 of the Revised Code, have you been adjudicated a delinquent child for committing, within ten years of the date of this application an act that if committed by

.... YES NO 1877

an adult would be the offense of resisting arrest?

(8)(a) Are you under indictment for or otherwise charged with assault or negligent assault? YES NO 1878

(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 1879

(c) Have Except for a conviction, guilty plea, or delinquent child adjudication the records of which a court has ordered sealed or expunged or relative to which a court has granted relief from disability pursuant to section 2923.14 of the Revised Code, have you ever been convicted of, pleaded guilty to, or adjudicated a delinquent child for assaulting a peace officer? YES NO 1880

(9)(a) Have you ever been adjudicated as a mental defective? YES NO 1881

(b) Have you ever been committed to a mental institution? YES NO 1882

(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 1883

(11) Are you currently subject to a suspension imposed under division (A)(2) of section 2923.128 of the Revised Code of a license to carry a concealed handgun, or a temporary emergency license to carry a concealed handgun, that previously was issued to you? YES NO 1884

SECTION IV. YOU MUST COMPLETE THIS SECTION OF THE APPLICATION BY 1885
PROVIDING, TO THE BEST OF YOUR KNOWLEDGE, THE ADDRESS OF EACH 1886
PLACE OF RESIDENCE AT WHICH YOU RESIDED AT ANY TIME AFTER YOU 1887
ATTAINED EIGHTEEN YEARS OF AGE AND UNTIL YOU COMMENCED YOUR 1888
RESIDENCE AT THE LOCATION IDENTIFIED IN SECTION II OF THIS FORM, 1889
AND THE DATES OF RESIDENCE AT EACH OF THOSE ADDRESSES. IF YOU NEED 1890
MORE SPACE, COMPLETE AN ADDITIONAL SHEET WITH THE RELEVANT 1891
INFORMATION, ATTACH IT TO THE APPLICATION, AND NOTE THE ATTACHMENT 1892
AT THE END OF THIS SECTION. 1893

Residence 1: 1894
Street City State County Zip 1895
..... 1896
Dates of residence at this address 1897

Residence 2: 1898
Street City State County Zip 1899
..... 1900
Dates of residence at this address 1901

Residence 3: 1902
Street City State County Zip 1903
..... 1904
Dates of residence at this address 1905

Residence 4: 1906
Street City State County Zip 1907
..... 1908
Dates of residence at this address 1909

SECTION V. 1910
YOU MUST COMPLETE THIS SECTION OF THE APPLICATION BY ANSWERING THE 1911
QUESTION POSED IN PART (1) AND, IF THE ANSWER TO THE QUESTION IS 1912
"YES," BY PROVIDING IN PART (2) THE INFORMATION SPECIFIED. IF YOU 1913
NEED MORE SPACE, COMPLETE AN ADDITIONAL SHEET WITH THE RELEVANT 1914
INFORMATION, ATTACH IT TO THE APPLICATION, AND NOTE THE ATTACHMENT 1915

AT THE END OF THIS SECTION.	1916
(1) Have you previously applied in any county YES NO in Ohio or in any other state for a license to carry a concealed handgun or a temporary emergency license to carry a concealed handgun?	1917
(2) If your answer to the question in part (1) of this section of the application is "yes," you must complete this part by listing each county in Ohio, and each other state, in which you previously applied for either type of license and, to the best of your knowledge, the date on which you made the application.	1918 1919 1920 1921 1922
Previous application made in (insert name of Ohio county or other state) on (insert date of application.)	1923 1924 1925
Previous application made in (insert name of Ohio county or other state) on (insert date of application.)	1926 1927 1928
Previous application made in (insert name of Ohio county or other state) on (insert date of application.)	1929 1930 1931
Previous application made in (insert name of Ohio county or other state) on (insert date of application.)	1932 1933 1934
SECTION VI.	1935
AN APPLICANT WHO KNOWINGLY GIVES A FALSE ANSWER TO ANY QUESTION OR SUBMITS FALSE INFORMATION ON, OR A FALSE DOCUMENT WITH THE APPLICATION MAY BE PROSECUTED FOR FALSIFICATION TO OBTAIN A CONCEALED HANDGUN LICENSE, A FELONY OF THE FOURTH DEGREE, IN VIOLATION OF SECTION 2921.13 OF THE OHIO REVISED CODE.	1936 1937 1938 1939 1940
(1) I have been furnished, and have read, the pamphlet that	1941

explains the Ohio firearms laws, that provides instruction in 1942
dispute resolution and explains the Ohio laws related to that 1943
matter, and that provides information regarding all aspects 1944
of the use of deadly force with a firearm, and I am 1945
knowledgeable of the provisions of those laws and of the 1946
information on those matters. 1947

(2) I desire a legal means to carry a concealed handgun for 1948
defense of myself or a member of my family while engaged in 1949
lawful activity. 1950

(3) I have never been convicted of or pleaded guilty to a crime of 1951
violence in the state of Ohio or elsewhere (if you have been 1952
convicted of or pleaded guilty to such a crime, but the 1953
records of that conviction or guilty plea have been sealed or 1954
expunged by court order or a court has granted relief 1955
pursuant to section 2923.14 of the Revised Code from the 1956
disability imposed pursuant to section 2923.13 of the Revised 1957
Code relative to that conviction or guilty plea, you may 1958
treat the conviction or guilty plea for purposes of this 1959
paragraph as if it never had occurred). I am of sound mind. I 1960
hereby certify that the statements contained herein are true 1961
and correct to the best of my knowledge and belief. I 1962
understand that if I knowingly make any false statements 1963
herein I am subject to penalties prescribed by law. I 1964
authorize the sheriff or the sheriff's designee to inspect 1965
only those records or documents relevant to information 1966
required for this application. 1967

(4) The information contained in this application and all attached 1968
documents are true and correct to the best of my knowledge. 1969

..... 1970

Signature of Applicant" 1971

Sec. 2923.1212. (A) The following persons, boards, and 1972

entities, or designees, shall post in the following locations a 1973
sign that contains a statement in substantially the following 1974
form: "Unless otherwise authorized by law, pursuant to the Ohio 1975
Revised Code, no person shall knowingly possess, have under the 1976
person's control, convey, or attempt to convey a deadly weapon or 1977
dangerous ordnance onto these premises.": 1978

(1) The director of public safety or the person or board 1979
charged with the erection, maintenance, or repair of police 1980
stations, municipal jails, and the municipal courthouse and 1981
courtrooms in a conspicuous location at all police stations, 1982
municipal jails, and municipal courthouses and courtrooms; 1983

(2) The sheriff or sheriff's designee who has charge of the 1984
sheriff's office in a conspicuous location in that office; 1985

(3) The superintendent of the state highway patrol or the 1986
superintendent's designee in a conspicuous location at all state 1987
highway patrol stations; 1988

(4) Each sheriff, chief of police, or person in charge of 1989
every county, multicounty, municipal, municipal-county, or 1990
multicounty-municipal jail or workhouse, community-based 1991
correctional facility, halfway house, alternative residential 1992
facility, or other local or state correctional institution or 1993
detention facility within the state, or that person's designee, in 1994
a conspicuous location at that facility under that person's 1995
charge; 1996

(5) The board of trustees of a regional airport authority, 1997
chief administrative officer of an airport facility, or other 1998
person in charge of an airport facility in a conspicuous location 1999
at each airport facility under that person's control; 2000

(6) The officer or officer's designee who has charge of a 2001
courthouse or the building or structure in which a courtroom is 2002

located in a conspicuous location in that building or structure;	2003
(7) The superintendent of the bureau of criminal identification and investigation or the superintendent's designee in a conspicuous location in all premises controlled by that bureau;	2004 2005 2006 2007
(8) The owner, administrator, or operator of a child day-care center, a type A family day-care home, a type B family day-care home, or a type C family day-care home;	2008 2009 2010
(9) The officer of this state or of the a political subdivision of this state, or the officer's designee, who has charge of a building that is <u>owned by a government facility of this state or the political subdivision of this state, or who has charge of the portion of a building that is not owned by any governmental entity listed in this division but that is leased by a governmental entity listed in this division, as defined in section 2923.126 of the Revised Code, and that is not a building that is used primarily as a shelter, restroom, parking facility for motor vehicles, or rest facility and is not a courthouse or other building or structure in which a courtroom is located that is subject to division (B)(3) of that section.</u>	2011 2012 2013 2014 2015 2016 2017 2018 2019 2020 2021 2022
(B) The following boards, bodies, and persons, or designees, shall post in the following locations a sign that contains a statement in substantially the following form: "Unless otherwise authorized by law, pursuant to Ohio Revised Code section 2923.122, no person shall knowingly possess, have under the person's control, convey, or attempt to convey a deadly weapon or dangerous ordnance into a school safety zone.":	2023 2024 2025 2026 2027 2028 2029
(1) A board of education of a city, local, exempted village, or joint vocational school district or that board's designee in a conspicuous location in each building and on each parcel of real property owned or controlled by the board;	2030 2031 2032 2033

(2) A governing body of a school for which the state board of education prescribes minimum standards under section 3301.07 of the Revised Code or that body's designee in a conspicuous location in each building and on each parcel of real property owned or controlled by the school;

(3) The principal or chief administrative officer of a nonpublic school in a conspicuous location on property owned or controlled by that nonpublic school.

Sec. 2923.1213. (A) As used in this section:

(1) "Evidence of imminent danger" means any of the following:

(a) A statement sworn by the person seeking to carry a concealed handgun that is made under threat of perjury and that states that the person has reasonable cause to fear a criminal attack upon the person or a member of the person's family, such as would justify a prudent person in going armed;

(b) A written document prepared by a governmental entity or public official describing the facts that give the person seeking to carry a concealed handgun reasonable cause to fear a criminal attack upon the person or a member of the person's family, such as would justify a prudent person in going armed. Written documents of this nature include, but are not limited to, any temporary protection order, civil protection order, protection order issued by another state, or other court order, any court report, and any report filed with or made by a law enforcement agency or prosecutor.

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

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

(a) Evidence of imminent danger to the person or a member of the person's family; 2064
2065

(b) A sworn affidavit that contains all of the information 2066
required to be on the license and attesting that the person is 2067
legally living in the United States; is at least twenty-one years 2068
of age; is not a fugitive from justice; is not under indictment 2069
for or otherwise charged with an offense identified in division 2070
(D)(1)(d) of section 2923.125 of the Revised Code; has not been 2071
convicted of or pleaded guilty to an offense, and has not been 2072
adjudicated a delinquent child for committing an act, identified 2073
in division (D)(1)(e) of that section and to which division (B)(3) 2074
of this section does not apply; within three years of the date of 2075
the submission, has not been convicted of or pleaded guilty to an 2076
offense, and has not been adjudicated a delinquent child for 2077
committing an act, identified in division (D)(1)(f) of that 2078
section and to which division (B)(3) of this section does not 2079
apply; within five years of the date of the submission, has not 2080
been convicted of, pleaded guilty, or adjudicated a delinquent 2081
child for committing two or more violations identified in division 2082
(D)(1)(g) of that section; within ten years of the date of the 2083
submission, has not been convicted of, pleaded guilty, or 2084
adjudicated a delinquent child for committing a violation 2085
identified in division (D)(1)(h) of that section and to which 2086
division (B)(3) of this section does not apply; has not been 2087
adjudicated as a mental defective, has not been committed to any 2088
mental institution, is not under adjudication of mental 2089
incompetence, has not been found by a court to be a mentally ill 2090
person subject to hospitalization by court order, and is not an 2091
involuntary patient other than one who is a patient only for 2092
purposes of observation, as described in division (D)(1)(i) of 2093
that section; is not currently subject to a civil protection 2094
order, a temporary protection order, or a protection order issued 2095
by a court of another state, as described in division (D)(1)(j) of 2096

that section; and is not currently subject to a suspension imposed 2097
under division (A)(2) of section 2923.128 of the Revised Code of a 2098
license to carry a concealed handgun, or a temporary emergency 2099
license to carry a concealed handgun, that previously was issued 2100
to the person; 2101

(c) A temporary emergency license fee established by the Ohio 2102
peace officer training commission for an amount that does not 2103
exceed the actual cost of conducting the criminal background check 2104
or thirty dollars; 2105

(d) A set of fingerprints of the applicant provided as 2106
described in section 311.41 of the Revised Code through use of an 2107
electronic fingerprint reading device or, if the sheriff to whom 2108
the application is submitted does not possess and does not have 2109
ready access to the use of an electronic fingerprint reading 2110
device, on a standard impression sheet prescribed pursuant to 2111
division (C)(2) of section 109.572 of the Revised Code. If the 2112
fingerprints are provided on a standard impression sheet, the 2113
person also shall provide the person's social security number to 2114
the sheriff. 2115

(2) A sheriff shall accept the evidence of imminent danger, 2116
the sworn affidavit, the fee, and the set of fingerprints required 2117
under division (B)(1) of this section at the times and in the 2118
manners described in division (I) of this section. Upon receipt of 2119
the evidence of imminent danger, the sworn affidavit, the fee, and 2120
the set of fingerprints required under division (B)(1) of this 2121
section, the sheriff, in the manner specified in section 311.41 of 2122
the Revised Code, immediately shall conduct or cause to be 2123
conducted the criminal records check and the incompetency records 2124
check described in section 311.41 of the Revised Code. Immediately 2125
upon receipt of the results of the records checks, the sheriff 2126
shall review the information and shall determine whether the 2127
criteria set forth in divisions (D)(1)(a) to (j) and (m) of 2128

section 2923.125 of the Revised Code apply regarding the person. 2129
If the sheriff determines that all of criteria set forth in 2130
divisions (D)(1)(a) to (j) and (m) of section 2923.125 of the 2131
Revised Code apply regarding the person, the sheriff shall 2132
immediately make available through the law enforcement automated 2133
data system all information that will be contained on the 2134
temporary emergency license for the person if one is issued, and 2135
the superintendent of the state highway patrol shall ensure that 2136
the system is so configured as to permit the transmission through 2137
the system of that information. Upon making that information 2138
available through the law enforcement automated data system, the 2139
sheriff shall immediately issue to the person a temporary 2140
emergency license to carry a concealed handgun. 2141

If the sheriff denies the issuance of a temporary emergency 2142
license to the person, the sheriff shall specify the grounds for 2143
the denial in a written notice to the person. The person may 2144
appeal the denial, or challenge criminal records check results 2145
that were the basis of the denial if applicable, in the same 2146
manners specified in division (D)(2) of section 2923.125 and in 2147
section 2923.127 of the Revised Code, regarding the denial of an 2148
application for a license to carry a concealed handgun under that 2149
section. 2150

The temporary emergency license under this division shall be 2151
in the form, and shall include all of the information, described 2152
in divisions (A)(2) and (5) of section 109.731 of the Revised 2153
Code, and also shall include a unique combination of identifying 2154
letters and numbers in accordance with division (A)(4) of that 2155
section. 2156

The temporary emergency license issued under this division is 2157
valid for ninety days and may not be renewed. A person who has 2158
been issued a temporary emergency license under this division 2159
shall not be issued another temporary emergency license unless at 2160

least four years has expired since the issuance of the prior 2161
temporary emergency license. 2162

(3) If a person seeking a temporary emergency license to 2163
carry a concealed handgun has been convicted of or pleaded guilty 2164
to an offense identified in division (D)(1)(e), (f), or (h) of 2165
section 2923.125 of the Revised Code or has been adjudicated a 2166
delinquent child for committing an act or violation identified in 2167
any of those divisions, and if a court has ordered the sealing or 2168
expungement of the records of that conviction, guilty plea, or 2169
adjudication pursuant to sections 2151.355 to 2151.358 or sections 2170
2953.31 to 2953.36 of the Revised Code or a court has granted the 2171
applicant relief pursuant to section 2923.14 of the Revised Code 2172
from the disability imposed pursuant to section 2923.13 of the 2173
Revised Code relative to that conviction, guilty plea, or 2174
adjudication, the conviction, guilty plea, or adjudication shall 2175
not be relevant for purposes of the sworn affidavit described in 2176
division (B)(1)(b) of this section, and the person may complete, 2177
and swear to the truth of, the affidavit as if the conviction, 2178
guilty plea, or adjudication never had occurred. 2179

(C) A person who holds a temporary emergency license to carry 2180
a concealed handgun has the same right to carry a concealed 2181
handgun as a person who was issued a license to carry a concealed 2182
handgun under section 2923.125 of the Revised Code, and any 2183
exceptions to the prohibitions contained in section 1547.69 and 2184
sections 2923.12 to 2923.16 of the Revised Code for a licensee 2185
under section 2923.125 of the Revised Code apply to a licensee 2186
under this section. The person is subject to the same 2187
restrictions, and to all other procedures, duties, and sanctions, 2188
that apply to a person who carries a license issued under section 2189
2923.125 of the Revised Code, other than the license renewal 2190
procedures set forth in that section. 2191

(D) A sheriff who issues a temporary emergency license to 2192

carry a concealed handgun under this section shall not require a 2193
person seeking to carry a concealed handgun in accordance with 2194
this section to submit a competency certificate as a prerequisite 2195
for issuing the license and shall comply with division (H) of 2196
section 2923.125 of the Revised Code in regards to the license. 2197
The sheriff shall suspend or revoke the license in accordance with 2198
section 2923.128 of the Revised Code. In addition to the 2199
suspension or revocation procedures set forth in section 2923.128 2200
of the Revised Code, the sheriff may revoke the license upon 2201
receiving information, verifiable by public documents, that the 2202
person is not eligible to possess a firearm under either the laws 2203
of this state or of the United States or that the person committed 2204
perjury in obtaining the license; if the sheriff revokes a license 2205
under this additional authority, the sheriff shall notify the 2206
person, by certified mail, return receipt requested, at the 2207
person's last known residence address that the license has been 2208
revoked and that the person is required to surrender the license 2209
at the sheriff's office within ten days of the date on which the 2210
notice was mailed. Division (H) of section 2923.125 of the Revised 2211
Code applies regarding any suspension or revocation of a temporary 2212
emergency license to carry a concealed handgun. 2213

(E) A sheriff who issues a temporary emergency license to 2214
carry a concealed handgun under this section shall retain, for the 2215
entire period during which the temporary emergency license is in 2216
effect, the evidence of imminent danger that the person submitted 2217
to the sheriff and that was the basis for the license, or a copy 2218
of that evidence, as appropriate. 2219

(F) If a temporary emergency license to carry a concealed 2220
handgun issued under this section is lost or is destroyed, the 2221
licensee may obtain from the sheriff who issued that license a 2222
duplicate license upon the payment of a fee of fifteen dollars and 2223
the submission of an affidavit attesting to the loss or 2224

destruction of the license. The sheriff, in accordance with the 2225
procedures prescribed in section 109.731 of the Revised Code, 2226
shall place on the replacement license a combination of 2227
identifying numbers different from the combination on the license 2228
that is being replaced. 2229

(G) The Ohio peace officer training commission shall 2230
prescribe, and shall make available to sheriffs, a standard form 2231
to be used under division (B) of this section by a person who 2232
applies for a temporary emergency license to carry a concealed 2233
handgun on the basis of imminent danger of a type described in 2234
division (A)(1)(a) of this section. 2235

(H) A sheriff who receives any fees paid by a person under 2236
this section shall deposit all fees so paid into the sheriff's 2237
concealed handgun license issuance expense fund established under 2238
section 311.42 of the Revised Code. 2239

(I) A sheriff shall accept evidence of imminent danger, a 2240
sworn affidavit, the fee, and the set of fingerprints specified in 2241
division (B)(1) of this section at any time during normal business 2242
hours. In no case shall a sheriff require an appointment, or 2243
designate a specific period of time, for the submission or 2244
acceptance of evidence of imminent danger, a sworn affidavit, the 2245
fee, and the set of fingerprints specified in division (B)(1) of 2246
this section, or for the provision to any person of a standard 2247
form to be used for a person to apply for a temporary emergency 2248
license to carry a concealed handgun. 2249

Sec. 2923.16. (A) No person shall knowingly discharge a 2250
firearm while in or on a motor vehicle. 2251

(B) No person shall knowingly transport or have a loaded 2252
firearm in a motor vehicle in such a manner that the firearm is 2253
accessible to the operator or any passenger without leaving the 2254
vehicle. 2255

(C) No person shall knowingly transport or have a firearm in a motor vehicle, unless ~~it~~ the person may lawfully possess that firearm under applicable law of this state or the United States, the firearm is unloaded, and the firearm 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) ~~It~~ If the firearm is at least twenty-four inches in overall length as measured from the muzzle to the part of the stock furthest from the muzzle and if the barrel is at least eighteen inches in length, either in plain sight with the action open or the weapon stripped, or, if the firearm is of a type on which the action will not stay open or which cannot easily be stripped, in plain sight.

(D) 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, a listed controlled substance, or a listed metabolite of a controlled substance 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:

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

(a) The loaded handgun is in a holster on the person's person.

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

(c) The loaded handgun is securely encased by being stored in a closed, ~~locked~~ glove compartment or vehicle console or in a case that is locked.

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

(3) If the person is the driver or an occupant of a motor vehicle that is stopped as a result of a traffic stop or a stop for another law enforcement purpose or is the driver or an occupant of a commercial motor vehicle that is stopped by an

employee of the motor carrier enforcement unit for the purposes 2317
defined in section 5503.34 of the Revised Code, and if the person 2318
is transporting or has a loaded handgun in the motor vehicle or 2319
commercial motor vehicle in any manner, fail to do any of the 2320
following that is applicable: 2321

(a) If the person is the driver or an occupant of a motor 2322
vehicle stopped as a result of a traffic stop or a stop for 2323
another law enforcement purpose, fail to promptly inform any law 2324
enforcement officer who approaches the vehicle while stopped that 2325
the person has been issued a license or temporary emergency 2326
license to carry a concealed handgun and that the person then 2327
possesses or has a loaded handgun in the motor vehicle; 2328

(b) If the person is the driver or an occupant of a 2329
commercial motor vehicle stopped by an employee of the motor 2330
carrier enforcement unit for any of the defined purposes, fail to 2331
promptly inform the employee of the unit who approaches the 2332
vehicle while stopped that the person has been issued a license or 2333
temporary emergency license to carry a concealed handgun and that 2334
the person then possesses or has a loaded handgun in the 2335
commercial motor vehicle. 2336

(4) If the person is the driver or an occupant of a motor 2337
vehicle that is stopped as a result of a traffic stop or a stop 2338
for another law enforcement purpose and if the person is 2339
transporting or has a loaded handgun in the motor vehicle in any 2340
manner, knowingly fail to remain in the motor vehicle while 2341
stopped or knowingly fail to keep the person's hands in plain 2342
sight at any time after any law enforcement officer begins 2343
approaching the person while stopped and before the law 2344
enforcement officer leaves, unless the failure is pursuant to and 2345
in accordance with directions given by a law enforcement officer; 2346

(5) If the person is the driver or an occupant of a motor 2347
vehicle that is stopped as a result of a traffic stop or a stop 2348

for another law enforcement purpose, if the person is transporting 2349
or has a loaded handgun in the motor vehicle in a manner 2350
authorized under division (E)(1) of this section, and if the 2351
person is approached by any law enforcement officer while stopped, 2352
knowingly remove or attempt to remove the loaded handgun from the 2353
holster, case, bag, box, container, or glove compartment, 2354
knowingly grasp or hold the loaded handgun, or knowingly have 2355
contact with the loaded handgun by touching it with the person's 2356
hands or fingers in the motor vehicle at any time after the law 2357
enforcement officer begins approaching and before the law 2358
enforcement officer leaves, unless the person removes, attempts to 2359
remove, grasps, holds, or has contact with the loaded handgun 2360
pursuant to and in accordance with directions given by the law 2361
enforcement officer; 2362

(6) If the person is the driver or an occupant of a motor 2363
vehicle that is stopped as a result of a traffic stop or a stop 2364
for another law enforcement purpose and if the person is 2365
transporting or has a loaded handgun in the motor vehicle in any 2366
manner, knowingly disregard or fail to comply with any lawful 2367
order of any law enforcement officer given while the motor vehicle 2368
is stopped, including, but not limited to, a specific order to the 2369
person to keep the person's hands in plain sight. 2370

(F)(1) Divisions (A), (B), (C), and (E) of this section do 2371
not apply to any of the following: 2372

(a) An officer, agent, or employee of this or any other state 2373
or the United States, or a law enforcement officer, when 2374
authorized to carry or have loaded or accessible firearms in motor 2375
vehicles and acting within the scope of the officer's, agent's, or 2376
employee's duties; 2377

(b) Any person who is employed in this state, who is 2378
authorized to carry or have loaded or accessible firearms in motor 2379
vehicles, and who is subject to and in compliance with the 2380

requirements of section 109.801 of the Revised Code, unless the 2381
appointing authority of the person has expressly specified that 2382
the exemption provided in division (F)(1)(b) of this section does 2383
not apply to the person. 2384

(2) Division (A) of this section does not apply to a person 2385
if all of the following circumstances apply: 2386

(a) The person discharges a firearm from a motor vehicle at a 2387
coyote or groundhog, the discharge is not during the deer gun 2388
hunting season as set by the chief of the division of wildlife of 2389
the department of natural resources, and the discharge at the 2390
coyote or groundhog, but for the operation of this section, is 2391
lawful. 2392

(b) The motor vehicle from which the person discharges the 2393
firearm is on real property that is located in an unincorporated 2394
area of a township and that either is zoned for agriculture or is 2395
used for agriculture. 2396

(c) The person owns the real property described in division 2397
(F)(2)(b) of this section, is the spouse or a child of another 2398
person who owns that real property, is a tenant of another person 2399
who owns that real property, or is the spouse or a child of a 2400
tenant of another person who owns that real property. 2401

(d) The person does not discharge the firearm in any of the 2402
following manners: 2403

(i) While under the influence of alcohol, a drug of abuse, or 2404
alcohol and a drug of abuse; 2405

(ii) In the direction of a street, highway, or other public 2406
or private property used by the public for vehicular traffic or 2407
parking; 2408

(iii) At or into an occupied structure that is a permanent or 2409
temporary habitation; 2410

(iv) In the commission of any violation of law, including, 2411
but not limited to, a felony that includes, as an essential 2412
element, purposely or knowingly causing or attempting to cause the 2413
death of or physical harm to another and that was committed by 2414
discharging a firearm from a motor vehicle. 2415

(3) Divisions (B) and (C) of this section do not apply to a 2416
person if all of the following circumstances apply: 2417

(a) At the time of the alleged violation of either of those 2418
divisions, the person is the operator of or a passenger in a motor 2419
vehicle. 2420

(b) The motor vehicle is on real property that is located in 2421
an unincorporated area of a township and that either is zoned for 2422
agriculture or is used for agriculture. 2423

(c) The person owns the real property described in division 2424
(D)(3)(b) of this section, is the spouse or a child of another 2425
person who owns that real property, is a tenant of another person 2426
who owns that real property, or is the spouse or a child of a 2427
tenant of another person who owns that real property. 2428

(d) The person, prior to arriving at the real property 2429
described in division (D)(3)(b) of this section, did not transport 2430
or possess a firearm in the motor vehicle in a manner prohibited 2431
by division (B) or (C) of this section while the motor vehicle was 2432
being operated on a street, highway, or other public or private 2433
property used by the public for vehicular traffic or parking. 2434

(4) Divisions (B) and (C) of this section do not apply to a 2435
person who transports or possesses a handgun in a motor vehicle 2436
if, at the time of that transportation or possession, all of the 2437
following apply: 2438

(a) The person transporting or possessing the handgun is 2439
carrying a valid license or temporary emergency license to carry a 2440
concealed handgun issued to the person under section 2923.125 or 2441

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) One of the following applies:

(i) The handgun is in a holster on the person's person.

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

(iii) The handgun is securely encased by being stored in a closed, ~~locked~~ glove compartment or vehicle console or in a case that is locked.

(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, immediately 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) of this section while the motor vehicle was being operated on a street, highway, or other public or private property

used by the public for vehicular traffic. 2473

(H) No person who is charged with a violation of division 2474
(B), (C), or (D) of this section shall be required to obtain a 2475
license or temporary emergency license to carry a concealed 2476
handgun under section 2923.125 or 2923.1213 of the Revised Code as 2477
a condition for the dismissal of the charge. 2478

(I) Whoever violates this section is guilty of improperly 2479
handling firearms in a motor vehicle. Violation of division (A) of 2480
this section is a felony of the fourth degree. Violation of 2481
division (C) of this section is a misdemeanor of the fourth 2482
degree. A violation of division (D) of this section is a felony of 2483
the fifth degree or, if the loaded handgun is concealed on the 2484
person's person, a felony of the fourth degree. A Except as 2485
otherwise provided in this division, a violation of division 2486
(E)(3) of this section is a misdemeanor of the first degree, and, 2487
in addition to any other penalty or sanction imposed for the 2488
violation, the offender's license or temporary emergency license 2489
to carry a concealed handgun shall be suspended pursuant to 2490
division (A)(2) of section 2923.128 of the Revised Code. If at the 2491
time of the stop of the offender for a traffic stop, for another 2492
law enforcement purpose, or for a purpose defined in section 2493
5503.34 of the Revised Code that was the basis of the violation 2494
any law enforcement officer involved with the stop or the employee 2495
of the motor carrier enforcement unit who made the stop had actual 2496
knowledge of the offender's status as a licensee, a violation of 2497
division (E)(3) of this section is a minor misdemeanor, and the 2498
offender's license or temporary emergency license to carry a 2499
concealed handgun shall not be suspended pursuant to division 2500
(A)(2) of section 2923.128 of the Revised Code. A violation of 2501
division (E)(1), (2), or (5) of this section is a felony of the 2502
fifth degree. A violation of division (E)(4) or (6) of this 2503
section is a misdemeanor of the first degree or, if the offender 2504

previously has been convicted of or pleaded guilty to a violation 2505
of division (E)(4) or (6) of this section, a felony of the fifth 2506
degree. In addition to any other penalty or sanction imposed for a 2507
misdemeanor violation of division (E)(4) or (6) of this section, 2508
the offender's license or temporary emergency license to carry a 2509
concealed handgun shall be suspended pursuant to division (A)(2) 2510
of section 2923.128 of the Revised Code. A violation of division 2511
(B) of this section is whichever of the following is applicable: 2512

(1) If, at the time of the transportation or possession in 2514
violation of division (B) of this section, the offender was 2515
carrying a valid license or temporary emergency license to carry a 2516
concealed handgun issued to the offender under section 2923.125 or 2517
2923.1213 of the Revised Code or a license to carry a concealed 2518
handgun that was issued by another state with which the attorney 2519
general has entered into a reciprocity agreement under section 2520
109.69 of the Revised Code and the offender was not knowingly in a 2521
place described in division (B) of section 2923.126 of the Revised 2522
Code, the violation is a misdemeanor of the first degree or, if 2523
the offender previously has been convicted of or pleaded guilty to 2524
a violation of division (B) of this section, a felony of the 2525
fourth degree. 2526

(2) If division (I)(1) of this section does not apply, a 2527
felony of the fourth degree. 2528

(J) If a law enforcement officer stops a motor vehicle for a 2529
traffic stop or any other purpose, if any person in the motor 2530
vehicle surrenders a firearm to the officer, either voluntarily or 2531
pursuant to a request or demand of the officer, and if the officer 2532
does not charge the person with a violation of this section or 2533
arrest the person for any offense, the person is not otherwise 2534
prohibited by law from possessing the firearm, and the firearm is 2535
not contraband, the officer shall return the firearm to the person 2536

at the termination of the stop. If a court orders a law 2537
enforcement officer to return a firearm to a person pursuant to 2538
the requirement set forth in this division, division (B) of 2539
section 2923.163 of the Revised Code applies. 2540

(K) As used in this section: 2541

(1) "Motor vehicle," "street," and "highway" have the same 2542
meanings as in section 4511.01 of the Revised Code. 2543

(2) "Occupied structure" has the same meaning as in section 2544
2909.01 of the Revised Code. 2545

(3) "Agriculture" has the same meaning as in section 519.01 2546
of the Revised Code. 2547

(4) "Tenant" has the same meaning as in section 1531.01 of 2548
the Revised Code. 2549

(5) "Unloaded" means, ~~with~~ any of the following: 2550

(a) No ammunition is in the firearm in question, and no 2551
ammunition is loaded into a magazine or speed loader that may be 2552
used with the firearm in question and that is located anywhere 2553
within the vehicle in question, without regard to where ammunition 2554
otherwise is located within the vehicle in question. 2555

(b) With respect to a firearm employing a percussion cap, 2556
flintlock, or other obsolete ignition system, when the weapon is 2557
uncapped or when the priming charge is removed from the pan. 2558

(6) "Commercial motor vehicle" has the same meaning as in 2559
division (A) of section 4506.25 of the Revised Code. 2560

(7) "Motor carrier enforcement unit" means the motor carrier 2561
enforcement unit in the department of public safety, division of 2562
state highway patrol, that is created by section 5503.34 of the 2563
Revised Code. 2564

Sec. 2923.163. If a law enforcement officer stops a person 2565

for any law enforcement purpose and the person voluntarily or 2566
pursuant to a request or demand of the officer surrenders a 2567
firearm to the officer, if a law enforcement officer stops a motor 2568
vehicle for any purpose and a person in the motor vehicle 2569
voluntarily or pursuant to a request or demand of the officer 2570
surrenders a firearm to the officer, or if a law enforcement 2571
officer otherwise seizes a firearm from a person, all of the 2572
following apply: 2573

(A) If the law enforcement officer does not return the 2574
firearm to the person at the termination of the stop or otherwise 2575
promptly return the firearm to the person after the seizure of the 2576
firearm, the officer or other personnel at the officer's law 2577
enforcement agency shall maintain the integrity and identity of 2578
the firearm in such a manner so that if the firearm subsequently 2579
is to be returned to the person it can be identified and returned 2580
to the person in the same condition it was in when it was seized. 2581

(B) If the law enforcement officer does not return the 2582
firearm to the person at the termination of the stop or otherwise 2583
promptly return the firearm to the person after the seizure of the 2584
firearm, if a court finds that a law enforcement officer failed to 2585
return the firearm to the person after the person has demanded the 2586
return of the firearm from the officer, and if the court orders a 2587
law enforcement officer to return the firearm to the person, in 2588
addition to any other relief ordered, the court also shall award 2589
reasonable costs and attorney's fees to the person who sought the 2590
order to return the firearm. 2591

Sec. 2929.14. (A) Except as provided in division (C), (D)(1), 2592
(D)(2), (D)(3), (D)(4), (D)(5), (D)(6), (G), or (L) of this 2593
section and except in relation to an offense for which a sentence 2594
of death or life imprisonment is to be imposed, if the court 2595
imposing a sentence upon an offender for a felony elects or is 2596

required to impose a prison term on the offender pursuant to this 2597
chapter, the court shall impose a definite prison term that shall 2598
be one of the following: 2599

(1) For a felony of the first degree, the prison term shall 2600
be three, four, five, six, seven, eight, nine, or ten years. 2601

(2) For a felony of the second degree, the prison term shall 2602
be two, three, four, five, six, seven, or eight years. 2603

(3) For a felony of the third degree, the prison term shall 2604
be one, two, three, four, or five years. 2605

(4) For a felony of the fourth degree, the prison term shall 2606
be six, seven, eight, nine, ten, eleven, twelve, thirteen, 2607
fourteen, fifteen, sixteen, seventeen, or eighteen months. 2608

(5) For a felony of the fifth degree, the prison term shall 2609
be six, seven, eight, nine, ten, eleven, or twelve months. 2610

(B) Except as provided in division (C), (D)(1), (D)(2), 2611
(D)(3), (D)(5), (D)(6), (G), or (L) of this section, in section 2612
2907.02 or 2907.05 of the Revised Code, or in Chapter 2925. of the 2613
Revised Code, if the court imposing a sentence upon an offender 2614
for a felony elects or is required to impose a prison term on the 2615
offender, the court shall impose the shortest prison term 2616
authorized for the offense pursuant to division (A) of this 2617
section, unless one or more of the following applies: 2618

(1) The offender was serving a prison term at the time of the 2619
offense, or the offender previously had served a prison term. 2620

(2) The court finds on the record that the shortest prison 2621
term will demean the seriousness of the offender's conduct or will 2622
not adequately protect the public from future crime by the 2623
offender or others. 2624

(C) Except as provided in division (G) or (L) of this section 2625
or in Chapter 2925. of the Revised Code, the court imposing a 2626

sentence upon an offender for a felony may impose the longest 2627
prison term authorized for the offense pursuant to division (A) of 2628
this section only upon offenders who committed the worst forms of 2629
the offense, upon offenders who pose the greatest likelihood of 2630
committing future crimes, upon certain major drug offenders under 2631
division (D)(3) of this section, and upon certain repeat violent 2632
offenders in accordance with division (D)(2) of this section. 2633

(D)(1)(a) Except as provided in division (D)(1)(e) of this 2634
section, if an offender who is convicted of or pleads guilty to a 2635
felony also is convicted of or pleads guilty to a specification of 2636
the type described in section 2941.141, 2941.144, or 2941.145 of 2637
the Revised Code, the court shall impose on the offender one of 2638
the following prison terms: 2639

(i) A prison term of six years if the specification is of the 2640
type described in section 2941.144 of the Revised Code that 2641
charges the offender with having a firearm that is an automatic 2642
firearm or that was equipped with a firearm muffler or silencer on 2643
or about the offender's person or under the offender's control 2644
while committing the felony; 2645

(ii) A prison term of three years if the specification is of 2646
the type described in section 2941.145 of the Revised Code that 2647
charges the offender with having a firearm on or about the 2648
offender's person or under the offender's control while committing 2649
the offense and displaying the firearm, brandishing the firearm, 2650
indicating that the offender possessed the firearm, or using it to 2651
facilitate the offense; 2652

(iii) A prison term of one year if the specification is of 2653
the type described in section 2941.141 of the Revised Code that 2654
charges the offender with having a firearm on or about the 2655
offender's person or under the offender's control while committing 2656
the felony. 2657

(b) If a court imposes a prison term on an offender under 2658
division (D)(1)(a) of this section, the prison term shall not be 2659
reduced pursuant to section 2929.20, section 2967.193, or any 2660
other provision of Chapter 2967. or Chapter 5120. of the Revised 2661
Code. A Except as provided in division (D)(1)(g) of this section, 2662
a court shall not impose more than one prison term on an offender 2663
under division (D)(1)(a) of this section for felonies committed as 2664
part of the same act or transaction. 2665

(c) Except as provided in division (D)(1)(e) of this section, 2666
if an offender who is convicted of or pleads guilty to a violation 2667
of section 2923.161 of the Revised Code or to a felony that 2668
includes, as an essential element, purposely or knowingly causing 2669
or attempting to cause the death of or physical harm to another, 2670
also is convicted of or pleads guilty to a specification of the 2671
type described in section 2941.146 of the Revised Code that 2672
charges the offender with committing the offense by discharging a 2673
firearm from a motor vehicle other than a manufactured home, the 2674
court, after imposing a prison term on the offender for the 2675
violation of section 2923.161 of the Revised Code or for the other 2676
felony offense under division (A), (D)(2), or (D)(3) of this 2677
section, shall impose an additional prison term of five years upon 2678
the offender that shall not be reduced pursuant to section 2679
2929.20, section 2967.193, or any other provision of Chapter 2967. 2680
or Chapter 5120. of the Revised Code. A court shall not impose 2681
more than one additional prison term on an offender under division 2682
(D)(1)(c) of this section for felonies committed as part of the 2683
same act or transaction. If a court imposes an additional prison 2684
term on an offender under division (D)(1)(c) of this section 2685
relative to an offense, the court also shall impose a prison term 2686
under division (D)(1)(a) of this section relative to the same 2687
offense, provided the criteria specified in that division for 2688
imposing an additional prison term are satisfied relative to the 2689
offender and the offense. 2690

(d) If an offender who is convicted of or pleads guilty to an offense of violence that is a felony also is convicted of or pleads guilty to a specification of the type described in section 2941.1411 of the Revised Code that charges the offender with wearing or carrying body armor while committing the felony offense of violence, the court shall impose on the offender a prison term of two years. The prison term so imposed shall not be reduced pursuant to section 2929.20, section 2967.193, or any other provision of Chapter 2967. or Chapter 5120. of the Revised Code. A court shall not impose more than one prison term on an offender under division (D)(1)(d) of this section for felonies committed as part of the same act or transaction. If a court imposes an additional prison term under division (D)(1)(a) or (c) of this section, the court is not precluded from imposing an additional prison term under division (D)(1)(d) of this section.

(e) The court shall not impose any of the prison terms described in division (D)(1)(a) of this section or any of the additional prison terms described in division (D)(1)(c) of this section upon an offender for a violation of section 2923.12 or 2923.123 of the Revised Code. The court shall not impose any of the prison terms described in division (D)(1)(a) or (b) of this section upon an offender for a violation of section 2923.122 that involves a deadly weapon that is a firearm other than a dangerous ordnance, section 2923.16, or section 2923.121 of the Revised Code. The court shall not impose any of the prison terms described in division (D)(1)(a) of this section or any of the additional prison terms described in division (D)(1)(c) of this section upon an offender for a violation of section 2923.13 of the Revised Code unless all of the following apply:

(i) The offender previously has been convicted of aggravated murder, murder, or any felony of the first or second degree.

(ii) Less than five years have passed since the offender was

released from prison or post-release control, whichever is later, 2723
for the prior offense. 2724

(f) If an offender is convicted of or pleads guilty to a 2725
felony that includes, as an essential element, causing or 2726
attempting to cause the death of or physical harm to another and 2727
also is convicted of or pleads guilty to a specification of the 2728
type described in section 2941.1412 of the Revised Code that 2729
charges the offender with committing the offense by discharging a 2730
firearm at a peace officer as defined in section 2935.01 of the 2731
Revised Code or a corrections officer, as defined in section 2732
2941.1412 of the Revised Code, the court, after imposing a prison 2733
term on the offender for the felony offense under division (A), 2734
(D)(2), or (D)(3) of this section, shall impose an additional 2735
prison term of seven years upon the offender that shall not be 2736
reduced pursuant to section 2929.20, section 2967.193, or any 2737
other provision of Chapter 2967. or Chapter 5120. of the Revised 2738
Code. ~~A court shall not impose more than one additional prison~~ 2739
~~term on an offender under division (D)(1)(f) of this section for~~ 2740
~~felonies committed as part of the same act or transaction~~ If an 2741
offender is convicted of or pleads guilty to two or more felonies 2742
that include, as an essential element, causing or attempting to 2743
cause the death or physical harm to another and also is convicted 2744
of or pleads guilty to a specification of the type described under 2745
division (D)(1)(f) of this section in connection with two or more 2746
of the felonies of which the offender is convicted or to which the 2747
offender pleads guilty, the sentencing court shall impose on the 2748
offender the prison term specified under division (D)(1)(f) of 2749
this section for each of two of the specifications of which the 2750
offender is convicted or to which the offender pleads guilty and, 2751
in its discretion, also may impose on the offender the prison term 2752
specified under that division for any or all of the remaining 2753
specifications. If a court imposes an additional prison term on an 2754
offender under division (D)(1)(f) of this section relative to an 2755

offense, the court shall not impose a prison term under division 2756
(D)(1)(a) or (c) of this section relative to the same offense. 2757

2758

(g) If an offender is convicted of or pleads guilty to two or 2759
more felonies, if one or more of those felonies is aggravated 2760
murder, murder, attempted aggravated murder, attempted murder, 2761
aggravated robbery, felonious assault, or rape, and if the 2762
offender is convicted of or pleads guilty to a specification of 2763
the type described under division (D)(1)(a) of this section in 2764
connection with two or more of the felonies, the sentencing court 2765
shall impose on the offender the prison term specified under 2766
division (D)(1)(a) of this section for each of the two most 2767
serious specifications of which the offender is convicted or to 2768
which the offender pleads guilty and, in its discretion, also may 2769
impose on the offender the prison term specified under that 2770
division for any or all of the remaining specifications. 2771

(2)(a) If division (D)(2)(b) of this section does not apply, 2772
the court may impose on an offender, in addition to the longest 2773
prison term authorized or required for the offense, an additional 2774
definite prison term of one, two, three, four, five, six, seven, 2775
eight, nine, or ten years if all of the following criteria are 2776
met: 2777

(i) The offender is convicted of or pleads guilty to a 2778
specification of the type described in section 2941.149 of the 2779
Revised Code that the offender is a repeat violent offender. 2780

(ii) The offense of which the offender currently is convicted 2781
or to which the offender currently pleads guilty is aggravated 2782
murder and the court does not impose a sentence of death or life 2783
imprisonment without parole, murder, terrorism and the court does 2784
not impose a sentence of life imprisonment without parole, any 2785
felony of the first degree that is an offense of violence and the 2786
court does not impose a sentence of life imprisonment without 2787

parole, or any felony of the second degree that is an offense of 2788
violence and the trier of fact finds that the offense involved an 2789
attempt to cause or a threat to cause serious physical harm to a 2790
person or resulted in serious physical harm to a person. 2791

(iii) The court imposes the longest prison term for the 2792
offense that is not life imprisonment without parole. 2793

(iv) The court finds that the prison terms imposed pursuant 2794
to division (D)(2)(a)(iii) of this section and, if applicable, 2795
division (D)(1) or (3) of this section are inadequate to punish 2796
the offender and protect the public from future crime, because the 2797
applicable factors under section 2929.12 of the Revised Code 2798
indicating a greater likelihood of recidivism outweigh the 2799
applicable factors under that section indicating a lesser 2800
likelihood of recidivism. 2801

(v) The court finds that the prison terms imposed pursuant to 2802
division (D)(2)(a)(iii) of this section and, if applicable, 2803
division (D)(1) or (3) of this section are demeaning to the 2804
seriousness of the offense, because one or more of the factors 2805
under section 2929.12 of the Revised Code indicating that the 2806
offender's conduct is more serious than conduct normally 2807
constituting the offense are present, and they outweigh the 2808
applicable factors under that section indicating that the 2809
offender's conduct is less serious than conduct normally 2810
constituting the offense. 2811

(b) The court shall impose on an offender the longest prison 2812
term authorized or required for the offense and shall impose on 2813
the offender an additional definite prison term of one, two, 2814
three, four, five, six, seven, eight, nine, or ten years if all of 2815
the following criteria are met: 2816

(i) The offender is convicted of or pleads guilty to a 2817
specification of the type described in section 2941.149 of the 2818

Revised Code that the offender is a repeat violent offender. 2819

(ii) The offender within the preceding twenty years has been 2820
convicted of or pleaded guilty to three or more offenses described 2821
in division (DD)(1) of section 2929.01 of the Revised Code, 2822
including all offenses described in that division of which the 2823
offender is convicted or to which the offender pleads guilty in 2824
the current prosecution and all offenses described in that 2825
division of which the offender previously has been convicted or to 2826
which the offender previously pleaded guilty, whether prosecuted 2827
together or separately. 2828

(iii) The offense or offenses of which the offender currently 2829
is convicted or to which the offender currently pleads guilty is 2830
aggravated murder and the court does not impose a sentence of 2831
death or life imprisonment without parole, murder, terrorism and 2832
the court does not impose a sentence of life imprisonment without 2833
parole, any felony of the first degree that is an offense of 2834
violence and the court does not impose a sentence of life 2835
imprisonment without parole, or any felony of the second degree 2836
that is an offense of violence and the trier of fact finds that 2837
the offense involved an attempt to cause or a threat to cause 2838
serious physical harm to a person or resulted in serious physical 2839
harm to a person. 2840

(c) For purposes of division (D)(2)(b) of this section, two 2841
or more offenses committed at the same time or as part of the same 2842
act or event shall be considered one offense, and that one offense 2843
shall be the offense with the greatest penalty. 2844

(d) A sentence imposed under division (D)(2)(a) or (b) of 2845
this section shall not be reduced pursuant to section 2929.20 or 2846
section 2967.193, or any other provision of Chapter 2967. or 2847
Chapter 5120. of the Revised Code. The offender shall serve an 2848
additional prison term imposed under this section consecutively to 2849
and prior to the prison term imposed for the underlying offense. 2850

(e) When imposing a sentence pursuant to division (D)(2)(a) 2851
or (b) of this section, the court shall state its findings 2852
explaining the imposed sentence. 2853

(3)(a) Except when an offender commits a violation of section 2854
2903.01 or 2907.02 of the Revised Code and the penalty imposed for 2855
the violation is life imprisonment or commits a violation of 2856
section 2903.02 of the Revised Code, if the offender commits a 2857
violation of section 2925.03 or 2925.11 of the Revised Code and 2858
that section classifies the offender as a major drug offender and 2859
requires the imposition of a ten-year prison term on the offender, 2860
if the offender commits a felony violation of section 2925.02, 2861
2925.04, 2925.05, 2925.36, 3719.07, 3719.08, 3719.16, 3719.161, 2862
4729.37, or 4729.61, division (C) or (D) of section 3719.172, 2863
division (C) of section 4729.51, or division (J) of section 2864
4729.54 of the Revised Code that includes the sale, offer to sell, 2865
or possession of a schedule I or II controlled substance, with the 2866
exception of marihuana, and the court imposing sentence upon the 2867
offender finds that the offender is guilty of a specification of 2868
the type described in section 2941.1410 of the Revised Code 2869
charging that the offender is a major drug offender, if the court 2870
imposing sentence upon an offender for a felony finds that the 2871
offender is guilty of corrupt activity with the most serious 2872
offense in the pattern of corrupt activity being a felony of the 2873
first degree, or if the offender is guilty of an attempted 2874
violation of section 2907.02 of the Revised Code and, had the 2875
offender completed the violation of section 2907.02 of the Revised 2876
Code that was attempted, the offender would have been subject to a 2877
sentence of life imprisonment or life imprisonment without parole 2878
for the violation of section 2907.02 of the Revised Code, the 2879
court shall impose upon the offender for the felony violation a 2880
ten-year prison term that cannot be reduced pursuant to section 2881
2929.20 or Chapter 2967. or 5120. of the Revised Code. 2882

(b) The court imposing a prison term on an offender under 2883
division (D)(3)(a) of this section may impose an additional prison 2884
term of one, two, three, four, five, six, seven, eight, nine, or 2885
ten years, if the court, with respect to the term imposed under 2886
division (D)(3)(a) of this section and, if applicable, divisions 2887
(D)(1) and (2) of this section, makes both of the findings set 2888
forth in divisions (D)(2)(a)(iv) and (v) of this section. 2889

(4) If the offender is being sentenced for a third or fourth 2890
degree felony OVI offense under division (G)(2) of section 2929.13 2891
of the Revised Code, the sentencing court shall impose upon the 2892
offender a mandatory prison term in accordance with that division. 2893
In addition to the mandatory prison term, if the offender is being 2894
sentenced for a fourth degree felony OVI offense, the court, 2895
notwithstanding division (A)(4) of this section, may sentence the 2896
offender to a definite prison term of not less than six months and 2897
not more than thirty months, and if the offender is being 2898
sentenced for a third degree felony OVI offense, the sentencing 2899
court may sentence the offender to an additional prison term of 2900
any duration specified in division (A)(3) of this section. In 2901
either case, the additional prison term imposed shall be reduced 2902
by the sixty or one hundred twenty days imposed upon the offender 2903
as the mandatory prison term. The total of the additional prison 2904
term imposed under division (D)(4) of this section plus the sixty 2905
or one hundred twenty days imposed as the mandatory prison term 2906
shall equal a definite term in the range of six months to thirty 2907
months for a fourth degree felony OVI offense and shall equal one 2908
of the authorized prison terms specified in division (A)(3) of 2909
this section for a third degree felony OVI offense. If the court 2910
imposes an additional prison term under division (D)(4) of this 2911
section, the offender shall serve the additional prison term after 2912
the offender has served the mandatory prison term required for the 2913
offense. In addition to the mandatory prison term or mandatory and 2914
additional prison term imposed as described in division (D)(4) of 2915

this section, the court also may sentence the offender to a 2916
community control sanction under section 2929.16 or 2929.17 of the 2917
Revised Code, but the offender shall serve all of the prison terms 2918
so imposed prior to serving the community control sanction. 2919

If the offender is being sentenced for a fourth degree felony 2920
OVI offense under division (G)(1) of section 2929.13 of the 2921
Revised Code and the court imposes a mandatory term of local 2922
incarceration, the court may impose a prison term as described in 2923
division (A)(1) of that section. 2924

(5) If an offender is convicted of or pleads guilty to a 2925
violation of division (A)(1) or (2) of section 2903.06 of the 2926
Revised Code and also is convicted of or pleads guilty to a 2927
specification of the type described in section 2941.1414 of the 2928
Revised Code that charges that the victim of the offense is a 2929
peace officer, as defined in section 2935.01 of the Revised Code, 2930
or an investigator of the bureau of criminal identification and 2931
investigation, as defined in section 2903.11 of the Revised Code, 2932
the court shall impose on the offender a prison term of five 2933
years. If a court imposes a prison term on an offender under 2934
division (D)(5) of this section, the prison term shall not be 2935
reduced pursuant to section 2929.20, section 2967.193, or any 2936
other provision of Chapter 2967. or Chapter 5120. of the Revised 2937
Code. A court shall not impose more than one prison term on an 2938
offender under division (D)(5) of this section for felonies 2939
committed as part of the same act. 2940

(6) If an offender is convicted of or pleads guilty to a 2941
violation of division (A)(1) or (2) of section 2903.06 of the 2942
Revised Code and also is convicted of or pleads guilty to a 2943
specification of the type described in section 2941.1415 of the 2944
Revised Code that charges that the offender previously has been 2945
convicted of or pleaded guilty to three or more violations of 2946
division (A) or (B) of section 4511.19 of the Revised Code or an 2947

equivalent offense, as defined in section 2941.1415 of the Revised Code, or three or more violations of any combination of those divisions and offenses, the court shall impose on the offender a prison term of three years. If a court imposes a prison term on an offender under division (D)(6) of this section, the prison term shall not be reduced pursuant to section 2929.20, section 2967.193, or any other provision of Chapter 2967. or Chapter 5120. of the Revised Code. A court shall not impose more than one prison term on an offender under division (D)(6) of this section for felonies committed as part of the same act.

(E)(1)(a) Subject to division (E)(1)(b) of this section, if a mandatory prison term is imposed upon an offender pursuant to division (D)(1)(a) of this section for having a firearm on or about the offender's person or under the offender's control while committing a felony, if a mandatory prison term is imposed upon an offender pursuant to division (D)(1)(c) of this section for committing a felony specified in that division by discharging a firearm from a motor vehicle, or if both types of mandatory prison terms are imposed, the offender shall serve any mandatory prison term imposed under either division consecutively to any other mandatory prison term imposed under either division or under division (D)(1)(d) of this section, consecutively to and prior to any prison term imposed for the underlying felony pursuant to division (A), (D)(2), or (D)(3) of this section or any other section of the Revised Code, and consecutively to any other prison term or mandatory prison term previously or subsequently imposed upon the offender.

(b) If a mandatory prison term is imposed upon an offender pursuant to division (D)(1)(d) of this section for wearing or carrying body armor while committing an offense of violence that is a felony, the offender shall serve the mandatory term so imposed consecutively to any other mandatory prison term imposed

under that division or under division (D)(1)(a) or (c) of this 2980
section, consecutively to and prior to any prison term imposed for 2981
the underlying felony under division (A), (D)(2), or (D)(3) of 2982
this section or any other section of the Revised Code, and 2983
consecutively to any other prison term or mandatory prison term 2984
previously or subsequently imposed upon the offender. 2985

(c) If a mandatory prison term is imposed upon an offender 2986
pursuant to division (D)(1)(f) of this section, the offender shall 2987
serve the mandatory prison term so imposed consecutively to and 2988
prior to any prison term imposed for the underlying felony under 2989
division (A), (D)(2), or (D)(3) of this section or any other 2990
section of the Revised Code, and consecutively to any other prison 2991
term or mandatory prison term previously or subsequently imposed 2992
upon the offender. 2993

(2) If an offender who is an inmate in a jail, prison, or 2994
other residential detention facility violates section 2917.02, 2995
2917.03, 2921.34, or 2921.35 of the Revised Code, if an offender 2996
who is under detention at a detention facility commits a felony 2997
violation of section 2923.131 of the Revised Code, or if an 2998
offender who is an inmate in a jail, prison, or other residential 2999
detention facility or is under detention at a detention facility 3000
commits another felony while the offender is an escapee in 3001
violation of section 2921.34 of the Revised Code, any prison term 3002
imposed upon the offender for one of those violations shall be 3003
served by the offender consecutively to the prison term or term of 3004
imprisonment the offender was serving when the offender committed 3005
that offense and to any other prison term previously or 3006
subsequently imposed upon the offender. 3007

(3) If a prison term is imposed for a violation of division 3008
(B) of section 2911.01 of the Revised Code, a violation of 3009
division (A) of section 2913.02 of the Revised Code in which the 3010
stolen property is a firearm or dangerous ordnance, or a felony 3011

violation of division (B) of section 2921.331 of the Revised Code, 3012
the offender shall serve that prison term consecutively to any 3013
other prison term or mandatory prison term previously or 3014
subsequently imposed upon the offender. 3015

(4) If multiple prison terms are imposed on an offender for 3016
convictions of multiple offenses, the court may require the 3017
offender to serve the prison terms consecutively if the court 3018
finds that the consecutive service is necessary to protect the 3019
public from future crime or to punish the offender and that 3020
consecutive sentences are not disproportionate to the seriousness 3021
of the offender's conduct and to the danger the offender poses to 3022
the public, and if the court also finds any of the following: 3023

(a) The offender committed one or more of the multiple 3024
offenses while the offender was awaiting trial or sentencing, was 3025
under a sanction imposed pursuant to section 2929.16, 2929.17, or 3026
2929.18 of the Revised Code, or was under post-release control for 3027
a prior offense. 3028

(b) At least two of the multiple offenses were committed as 3029
part of one or more courses of conduct, and the harm caused by two 3030
or more of the multiple offenses so committed was so great or 3031
unusual that no single prison term for any of the offenses 3032
committed as part of any of the courses of conduct adequately 3033
reflects the seriousness of the offender's conduct. 3034

(c) The offender's history of criminal conduct demonstrates 3035
that consecutive sentences are necessary to protect the public 3036
from future crime by the offender. 3037

(5) If a mandatory prison term is imposed upon an offender 3038
pursuant to division (D)(5) or (6) of this section, the offender 3039
shall serve the mandatory prison term consecutively to and prior 3040
to any prison term imposed for the underlying violation of 3041
division (A)(1) or (2) of section 2903.06 of the Revised Code 3042

pursuant to division (A) of this section or section 2929.142 of 3043
the Revised Code. If a mandatory prison term is imposed upon an 3044
offender pursuant to division (D)(5) of this section, and if a 3045
mandatory prison term also is imposed upon the offender pursuant 3046
to division (D)(6) of this section in relation to the same 3047
violation, the offender shall serve the mandatory prison term 3048
imposed pursuant to division (D)(5) of this section consecutively 3049
to and prior to the mandatory prison term imposed pursuant to 3050
division (D)(6) of this section and consecutively to and prior to 3051
any prison term imposed for the underlying violation of division 3052
(A)(1) or (2) of section 2903.06 of the Revised Code pursuant to 3053
division (A) of this section or section 2929.142 of the Revised 3054
Code. 3055

(6) When consecutive prison terms are imposed pursuant to 3056
division (E)(1), (2), (3), (4), or (5) of this section, the term 3057
to be served is the aggregate of all of the terms so imposed. 3058

(F)(1) If a court imposes a prison term for a felony of the 3059
first degree, for a felony of the second degree, for a felony sex 3060
offense, or for a felony of the third degree that is not a felony 3061
sex offense and in the commission of which the offender caused or 3062
threatened to cause physical harm to a person, it shall include in 3063
the sentence a requirement that the offender be subject to a 3064
period of post-release control after the offender's release from 3065
imprisonment, in accordance with that division. If a court imposes 3066
a sentence including a prison term of a type described in this 3067
division on or after July 11, 2006, the failure of a court to 3068
include a post-release control requirement in the sentence 3069
pursuant to this division does not negate, limit, or otherwise 3070
affect the mandatory period of post-release control that is 3071
required for the offender under division (B) of section 2967.28 of 3072
the Revised Code. Section 2929.191 of the Revised Code applies if, 3073
prior to July 11, 2006, a court imposed a sentence including a 3074

prison term of a type described in this division and failed to 3075
include in the sentence pursuant to this division a statement 3076
regarding post-release control. 3077

(2) If a court imposes a prison term for a felony of the 3078
third, fourth, or fifth degree that is not subject to division 3079
(F)(1) of this section, it shall include in the sentence a 3080
requirement that the offender be subject to a period of 3081
post-release control after the offender's release from 3082
imprisonment, in accordance with that division, if the parole 3083
board determines that a period of post-release control is 3084
necessary. Section 2929.191 of the Revised Code applies if, prior 3085
to July 11, 2006, a court imposed a sentence including a prison 3086
term of a type described in this division and failed to include in 3087
the sentence pursuant to this division a statement regarding 3088
post-release control. 3089

(G) The court shall impose sentence upon the offender in 3090
accordance with section 2971.03 of the Revised Code, and Chapter 3091
2971. of the Revised Code applies regarding the prison term or 3092
term of life imprisonment without parole imposed upon the offender 3093
and the service of that term of imprisonment if any of the 3094
following apply: 3095

(1) A person is convicted of or pleads guilty to a violent 3096
sex offense or a designated homicide, assault, or kidnapping 3097
offense, and, in relation to that offense, the offender is 3098
adjudicated a sexually violent predator. 3099

(2) A person is convicted of or pleads guilty to a violation 3100
of division (A)(1)(b) of section 2907.02 of the Revised Code 3101
committed on or after January 2, 2007, and either the court does 3102
not impose a sentence of life without parole when authorized 3103
pursuant to division (B) of section 2907.02 of the Revised Code, 3104
or division (B) of section 2907.02 of the Revised Code provides 3105
that the court shall not sentence the offender pursuant to section 3106

2971.03 of the Revised Code. 3107

(3) A person is convicted of or pleads guilty to attempted 3108
rape committed on or after January 2, 2007, and a specification of 3109
the type described in section 2941.1418, 2941.1419, or 2941.1420 3110
of the Revised Code. 3111

(4) A person is convicted of or pleads guilty to a violation 3112
of section 2905.01 of the Revised Code committed on or after ~~the~~ 3113
~~effective date of this amendment~~ January 1, 2008, and that section 3114
requires the court to sentence the offender pursuant to section 3115
2971.03 of the Revised Code. 3116

(5) A person is convicted of or pleads guilty to aggravated 3117
murder committed on or after ~~the effective date of this amendment~~ 3118
January 1, 2008, and division (A)(2)(b)(ii) of section 2929.022, 3119
division (A)(1)(e), (C)(1)(a)(v), (C)(2)(a)(ii), (D)(2)(b), 3120
(D)(3)(a)(iv), or (E)(1)(d) of section 2929.03, or division (A) or 3121
(B) of section 2929.06 of the Revised Code requires the court to 3122
sentence the offender pursuant to division (B)(3) of section 3123
2971.03 of the Revised Code. 3124

(6) A person is convicted of or pleads guilty to murder 3125
committed on or after ~~the effective date of this amendment~~ January 3126
1, 2008, and division (B)(2) of section 2929.02 of the Revised 3127
Code requires the court to sentence the offender pursuant to 3128
section 2971.03 of the Revised Code. 3129

(H) If a person who has been convicted of or pleaded guilty 3130
to a felony is sentenced to a prison term or term of imprisonment 3131
under this section, sections 2929.02 to 2929.06 of the Revised 3132
Code, section 2929.142 of the Revised Code, section 2971.03 of the 3133
Revised Code, or any other provision of law, section 5120.163 of 3134
the Revised Code applies regarding the person while the person is 3135
confined in a state correctional institution. 3136

(I) If an offender who is convicted of or pleads guilty to a 3137

felony that is an offense of violence also is convicted of or 3138
pleads guilty to a specification of the type described in section 3139
2941.142 of the Revised Code that charges the offender with having 3140
committed the felony while participating in a criminal gang, the 3141
court shall impose upon the offender an additional prison term of 3142
one, two, or three years. 3143

(J) If an offender who is convicted of or pleads guilty to 3144
aggravated murder, murder, or a felony of the first, second, or 3145
third degree that is an offense of violence also is convicted of 3146
or pleads guilty to a specification of the type described in 3147
section 2941.143 of the Revised Code that charges the offender 3148
with having committed the offense in a school safety zone or 3149
towards a person in a school safety zone, the court shall impose 3150
upon the offender an additional prison term of two years. The 3151
offender shall serve the additional two years consecutively to and 3152
prior to the prison term imposed for the underlying offense. 3153

(K) At the time of sentencing, the court may recommend the 3154
offender for placement in a program of shock incarceration under 3155
section 5120.031 of the Revised Code or for placement in an 3156
intensive program prison under section 5120.032 of the Revised 3157
Code, disapprove placement of the offender in a program of shock 3158
incarceration or an intensive program prison of that nature, or 3159
make no recommendation on placement of the offender. In no case 3160
shall the department of rehabilitation and correction place the 3161
offender in a program or prison of that nature unless the 3162
department determines as specified in section 5120.031 or 5120.032 3163
of the Revised Code, whichever is applicable, that the offender is 3164
eligible for the placement. 3165

If the court disapproves placement of the offender in a 3166
program or prison of that nature, the department of rehabilitation 3167
and correction shall not place the offender in any program of 3168
shock incarceration or intensive program prison. 3169

If the court recommends placement of the offender in a program of shock incarceration or in an intensive program prison, and if the offender is subsequently placed in the recommended program or prison, the department shall notify the court of the placement and shall include with the notice a brief description of the placement.

If the court recommends placement of the offender in a program of shock incarceration or in an intensive program prison and the department does not subsequently place the offender in the recommended program or prison, the department shall send a notice to the court indicating why the offender was not placed in the recommended program or prison.

If the court does not make a recommendation under this division with respect to an offender and if the department determines as specified in section 5120.031 or 5120.032 of the Revised Code, whichever is applicable, that the offender is eligible for placement in a program or prison of that nature, the department shall screen the offender and determine if there is an available program of shock incarceration or an intensive program prison for which the offender is suited. If there is an available program of shock incarceration or an intensive program prison for which the offender is suited, the department shall notify the court of the proposed placement of the offender as specified in section 5120.031 or 5120.032 of the Revised Code and shall include with the notice a brief description of the placement. The court shall have ten days from receipt of the notice to disapprove the placement.

(L) If a person is convicted of or pleads guilty to aggravated vehicular homicide in violation of division (A)(1) of section 2903.06 of the Revised Code and division (B)(2)(c) of that section applies, the person shall be sentenced pursuant to section 2929.142 of the Revised Code.

Section 2. That existing sections 2307.60, 2901.05, 2923.12, 3202
2923.121, 2923.122, 2923.125, 2923.126, 2923.128, 2923.129, 3203
2923.1210, 2923.1212, 2923.1213, 2923.16, and 2929.14 of the 3204
Revised Code are hereby repealed. 3205

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