



Buckeye Firearms Association

www.BuckeyeFirearms.org

15 West Winter Street
Delaware, Ohio 43015

MAN CONVICTED FOR HAVING A CONCEALED HANDGUN IN HIS OWN HOME!!

Issue: H.B. 12 created unintended criminal exposure for having a concealed handgun in your own home.

Impact: All firearm owners and persons visiting Ohio with firearms. (Not a concealed carry issue.)

Specifics: R.C. § 2923.12(E) provides that any person may have a concealed handgun in their own home without having a concealed handgun license provided that *“prior to arriving at the actor's own home, did not transport or possess the handgun in a motor vehicle in a manner prohibited by division (B) or (C) of section 2923.16.”* As discussed in another issue sheet, there currently is no way to legally transport an unloaded handgun in a motor vehicle. Additionally, as is discussed in another issue sheet, Ohio's transportation laws are contradictory, confusing and extraordinarily difficult to comply with.

It is important to stress that Ohio's concealed carry statute, R.C. § 2923.12, does not just apply to carrying a handgun in public. It also applies to someone who has a handgun in a nightstand drawer or a locked safe; these people have a “concealed” handgun in their house. Ohio's statute does not provide for any time limit in “purging” the alleged “improper transportation” prior to arriving home. Additionally, Ohio's statute applies this test to a handgun in the home but not to a shotgun in the same home. What is the public policy rationale behind controlling what a person may do with a lawfully owned handgun in their own home or on their own property? Under current law, if someone in unlicensed and improperly transports a handgun to their house coming home from the range, (see the background sheet on the current problems with unloaded transportation) it is illegal for them to have that handgun in the house if it is in any way concealed, such as in a safe, a drawer or a closet. There is no time limit or method to restore that handgun to lawful status.

Action Needed: R.C. 2923.12(E) needs to be amended so there is no longer an open-end loophole to charge a person for having a handgun in their home. This fact pattern has already cost one homeowner, who did not have a concealed carry license, a felony conviction in Delaware County.

Sample legislation fixing this problem is available to aid LSC in drafting. Contact Ken Hanson Esq., 740-215-6433 to obtain specimen language.