

of the Revised Code.

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

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(E) Whoever violates division (B) of this section is guilty
of illegal release of confidential concealed handgun license
records, a felony of the fifth degree. In addition to any
penalties imposed under Chapter 2929. of the Revised Code for a
violation of division (B) of this section or a violation of
section 2913.04 of the Revised Code described in division (D) of
this section, if the offender is a sheriff, an employee of a
sheriff, or any other public officer or employee, and if the
violation was willful and deliberate, the offender shall be
subject to a civil fine of one thousand dollars. Any person who is
harmed by a violation of division (B) or (C) of this section or a
violation of section 2913.04 of the Revised Code described in
division (D) of this section has a private cause of action against
the offender for any injury, death, or loss to person or property
that is a proximate result of the violation and may recover court
costs and attorney's fees related to the action.

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

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

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vehicle.	
(C) No person shall knowingly transport or have a firearm in	2549
a motor vehicle, unless it is unloaded and is carried in one of	2550
the following ways:	2551
(1) In a closed package, box, or case;	2552
(2) In a compartment that can be reached only by leaving the	2553
vehicle;	2554
(3) In plain sight and secured in a rack or holder made for	2555
the purpose;	2556
(4) In plain sight with the action open or the weapon	2557
stripped, or, if the firearm is of a type on which the action will	2558
not stay open or which cannot easily be stripped, in plain sight.	2559
(D) No person shall knowingly transport or have a loaded	2560
handgun in a motor vehicle if, at the time of that transportation	2561
or possession, any of the following applies:	2562
(1) The person is under the influence of alcohol, a drug of	2563
abuse, or a combination of them.	2564
(2) The person's whole blood, blood serum or plasma, breath,	2565
or urine contains a concentration of alcohol prohibited for	2566
persons operating a vehicle, as specified in division (A) of	2567
section 4511.19 of the Revised Code, regardless of whether the	2568
person at the time of the transportation or possession as	2569
described in this division is the operator of or a passenger in	2570
the motor vehicle.	2571
(E) No person who has been issued a license or temporary	2572
emergency license to carry a concealed handgun under section	2573
2923.125 or 2923.1213 of the Revised Code shall do any of the	2574
following: www.buckeyefirearms.org	2575
(1) Knowingly transport or have a loaded handgun in a motor	2576
vehicle unless the loaded handgun either is in a holster and in	2577

~~plain sight~~ on the person's person or it is securely encased by 2578
~~being stored in a closed, locked glove compartment or in a case~~ 2579
~~that is in plain sight and that is locked;~~ 2580

(2) If the person is transporting or has a loaded handgun in 2581
a motor vehicle in a manner authorized under division (E)(1) of 2582
this section, knowingly remove or attempt to remove the loaded 2583
handgun from the holster, glove compartment, or case, knowingly 2584
grasp or hold the loaded handgun, or knowingly have contact with 2585
the loaded handgun by touching it with the person's hands or 2586
fingers while the motor vehicle is being operated on a street, 2587
highway, or public property unless the person removes, attempts to 2588
remove, grasps, holds, or has the contact with the loaded handgun 2589
pursuant to and in accordance with directions given by a law 2590
enforcement officer; 2591

(3) If the person is the driver or an occupant of a motor 2592
vehicle that is stopped as a result of a traffic stop or a stop 2593
for another law enforcement purpose and if the person is 2594
transporting or has a loaded handgun in the motor vehicle in any 2595
manner, fail to promptly inform any law enforcement officer who 2596
approaches the vehicle while stopped that the person has been 2597
issued a license or temporary emergency license to carry a 2598
concealed handgun and that the person then possesses or has a 2599
loaded handgun in the motor vehicle. 2600

(4) If the person is the driver or an occupant of a motor 2601
vehicle that is stopped as a result of a traffic stop or a stop 2602
for another law enforcement purpose and if the person is 2603
transporting or has a loaded handgun in the motor vehicle in any 2604
manner, knowingly disregard or fail to comply with any lawful 2605
order of any law enforcement officer given while the motor vehicle 2606
is stopped, knowingly fail to remain in the motor vehicle while 2607
stopped, or knowingly fail to keep the person's hands in plain 2608
sight at any time after any law enforcement officer begins 2609

approaching the person while stopped and before the law 2610
enforcement officer leaves, unless, regarding a failure to remain 2611
in the motor vehicle or to keep the person's hands in plain sight, 2612
the failure is pursuant to and in accordance with directions given 2613
by a law enforcement officer; www.buckeyefirearms.org 2614

(5) If the person is the driver or an occupant of a motor 2615
vehicle that is stopped as a result of a traffic stop or a stop 2616
for another law enforcement purpose, if the person is transporting 2617
or has a loaded handgun in the motor vehicle in a manner 2618
authorized under division (E)(1) of this section, and if the 2619
person is approached by any law enforcement officer while stopped, 2620
knowingly remove or attempt to remove the loaded handgun from the 2621
holster, glove compartment, or case, knowingly grasp or hold the 2622
loaded handgun, or knowingly have contact with the loaded handgun 2623
by touching it with the person's hands or fingers in the motor 2624
vehicle at any time after the law enforcement officer begins 2625
approaching and before the law enforcement officer leaves, unless 2626
the person removes, attempts to remove, grasps, holds, or has 2627
contact with the loaded handgun pursuant to and in accordance with 2628
directions given by the law enforcement officer. 2629

(F)(1) This section does not apply to officers, agents, or 2630
employees of this or any other state or the United States, or to 2631
law enforcement officers, when authorized to carry or have loaded 2632
or accessible firearms in motor vehicles and acting within the 2633
scope of their duties. This section does not apply to any person 2634
who is subject to and in compliance with the requirements of 2635
section 109.801 of the Revised Code, unless the appointing 2636
authority of the person has expressly specified that the exemption 2637
provided under this provision does not apply to the person. 2638

(2) Division (A) of this section does not apply to a person 2639
if all of the following circumstances apply: 2640

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

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

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

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

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

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

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

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

(3) Divisions (B) and (C) of this section do not apply to a

person if all of the following circumstances apply: 2671

(a) At the time of the alleged violation of either of those 2672
divisions, the person is the operator of or a passenger in a motor 2673
vehicle. 2674

(b) The motor vehicle is on real property that is located in 2675
an unincorporated area of a township and that either is zoned for 2676
agriculture or is used for agriculture. 2677

(c) The person owns the real property described in division 2678
(D) (3) (b) of this section, is the spouse or a child of another 2679
person who owns that real property, is a tenant of another person 2680
who owns that real property, or is the spouse or a child of a 2681
tenant of another person who owns that real property. 2682

(d) The person, prior to arriving at the real property 2683
described in division (D) (3) (b) of this section, did not transport 2684
or possess a firearm in the motor vehicle in a manner prohibited 2685
by division (B) or (C) of this section while the motor vehicle was 2686
being operated on a street, highway, or other public or private 2687
property used by the public for vehicular traffic or parking. 2688

(4) Divisions (B) and (C) of this section do not apply to a 2689
person who transports or possesses a handgun in a motor vehicle 2690
if, at the time of that transportation or possession, all of the 2691
following apply: 2692

(a) The person transporting or possessing the handgun is 2693
carrying a valid license or temporary emergency license to carry a 2694
concealed handgun issued to the person under section 2923.125 or 2695
2923.1213 of the Revised Code or a license to carry a concealed 2696
handgun that was issued by another state with which the attorney 2697
general has entered into a reciprocity agreement under section 2698
109.69 of the Revised Code. 2699

(b) The person transporting or possessing the handgun is not 2700

knowingly in a place described in division (B) of section 2923.126 2701
of the Revised Code. www.buckeyefirearms.org 2702

(c) Either the handgun is in a holster ~~and in plain sight~~ on 2703
the person's person or the handgun is ~~securely encased by being~~ 2704
stored in a closed, locked glove compartment or in a case that is ~~in plain sight and that is~~ locked. 2705
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(5) For purposes of divisions (B), (C), (D), and (E) of this 2707
section, all of the following apply: www.buckeyefirearms.org 2708

(a) A firearm is not "loaded" unless there is live ammunition 2709
actually in the firearm. If there is no live ammunition actually 2710
in the firearm, the presence near the firearm of ammunition for 2711
the firearm does not make the firearm "loaded" for purposes of 2712
those divisions, even if the ammunition is accessible or ready at 2713
hand to the operator or any passenger in the motor vehicle. 2714
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(b) With respect to a firearm employing a percussion cap, 2715
flintlock, or other obsolete ignition system, in addition to the 2716
circumstances described in division (F)(5)(a) of this section, the 2717
firearm is "unloaded" when the weapon is uncapped or when the 2718
priming charge is removed from the pan. www.buckeyefirearms.org 2719

(G)(1) The affirmative defenses authorized in divisions 2720
(D)(1) and (2) of section 2923.12 of the Revised Code are 2721
affirmative defenses to a charge under division (B) or (C) of this 2722
section that involves a firearm other than a handgun. 2723

(2) It is an affirmative defense to a charge under division 2724
(B) or (C) of this section of improperly handling firearms in a 2725
motor vehicle that the actor transported or had the firearm in the 2726
motor vehicle for any lawful purpose and while the motor vehicle 2727
was on the actor's own property, provided that this affirmative 2728
defense is not available unless the person, prior to arriving at 2729
the actor's own property, did not transport or possess the firearm 2730
in a motor vehicle in a manner prohibited by division (B) or (C) 2731

of this section while the motor vehicle was being operated on a 2732
street, highway, or other public or private property used by the 2733
public for vehicular traffic. 2734

(3) It is an affirmative defense to a charge under division 2735
(A) of this section that the actor discharged the firearm in 2736
self-defense. 2737

(H) No person who is charged with a violation of division 2738
(B), (C), or (D) of this section shall be required to obtain a 2739
license or temporary emergency license to carry a concealed 2740
handgun under section 2923.125 or 2923.1213 of the Revised Code as 2741
a condition for the dismissal of the charge. 2742

(I) Whoever violates this section is guilty of improperly 2743
handling firearms in a motor vehicle. Violation of division (A) of 2744
this section is a felony of the fourth degree. Violation of 2745
division (C) of this section is a misdemeanor of the fourth 2746
degree. A violation of division (D) of this section is a felony of 2747
the fifth degree. A violation of division (E) (3) of this section 2748
is a misdemeanor of the fourth degree. A violation of division 2749
(E) (1), (2), or (5) of this section is a felony of the fifth 2750
degree. A violation of division (E) (4) of this section is a 2751
misdemeanor of the first degree or, if the offender previously has 2752
been convicted of or pleaded guilty to a violation of division 2753
(E) (4) of this section, a felony of the fifth degree. A violation 2754
of division (B) of this section is whichever of the following is 2755
applicable: 2756

(1) If, at the time of the transportation or possession in 2757
violation of division (B) of this section, the offender was 2758
carrying a valid license or temporary emergency license to carry a 2759
concealed handgun issued to the offender under section 2923.125 or 2760
2923.1213 of the Revised Code or a license to carry a concealed 2761
handgun that was issued by another state with which the attorney 2762

general has entered into a reciprocity agreement under section 2763
109.69 of the Revised Code and the offender was not knowingly in a 2764
place described in division (B) of section 2923.126 of the Revised 2765
Code, the violation is a misdemeanor of the first degree or, if 2766
the offender previously has been convicted of or pleaded guilty to 2767
a violation of division (B) of this section, a felony of the 2768
fourth degree. 2769

(2) If division (I)(1) of this section does not apply, a 2770
felony of the fourth degree. 2771

(J) If a law enforcement officer stops a motor vehicle for a 2772
traffic stop or any other purpose, if any person in the motor 2773
vehicle surrenders a firearm to the officer, either voluntarily or 2774
pursuant to a request or demand of the officer, and if the officer 2775
does not charge the person with a violation of this section or 2776
arrest the person for any offense, the person is not otherwise 2777
prohibited by law from possessing the firearm, and the firearm is 2778
not contraband, the officer shall return the firearm to the person 2779
at the termination of the stop. 2780

(K) As used in this section: 2781

(1) "Motor vehicle," "street," and "highway" have the same 2782
meanings as in section 4511.01 of the Revised Code. 2783

(2) "Occupied structure" has the same meaning as in section 2784
2909.01 of the Revised Code. 2785

(3) "Agriculture" has the same meaning as in section 519.01 2786
of the Revised Code. 2787

(4) "Tenant" has the same meaning as in section 1531.01 of 2788
the Revised Code. 2789

~~(5) "Unloaded" means, with respect to a firearm employing a 2790
percussion cap, flintlock, or other obsolete ignition system, when 2791
the weapon is uncapped or when the priming charge is removed from 2792~~

~~the pan.~~

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Section 2. That existing sections 109.71, 109.731, 109.801,
311.41, 311.42, 1547.69, 2921.13, 2923.12, 2923.121, 2923.122,
2923.123, 2923.125, 2923.126, 2923.127, 2923.128, 2923.129,
2923.1210, 2923.1213, and 2923.16 and section 109.542 of the
Revised Code are hereby repealed.

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