

As Passed by the Senate

132nd General Assembly

Regular Session

2017-2018

Am. Sub. H. B. No. 228

Representatives Johnson, LaTourette

Cosponsors: Representatives Conditt, Schuring, Pelanda, Patton, McColley, Antani, Becker, Brenner, Carfagna, Dean, Duffey, Ginter, Goodman, Green, Henne, Hill, Hood, Householder, Huffman, Keller, Koehler, Lipps, Merrin, Riedel, Roegner, Romanchuk, Schaffer, Slaby, Smith, R., Sprague, Stein, Thompson, Vitale, Wiggam, Retherford, Butler, Faber, Gavarone, Hagan, Hoops, Kick, McClain, Perales, Seitz, Smith, T., Wilkin, Young

Senators Coley, Uecker, Bacon, Burke, Hackett, Hoagland, Hottinger, Huffman, Jordan, Obhof, Peterson, Terhar, Wilson

A BILL

To amend sections 9.68, 109.801, 307.93, 307.932,	1
2901.05, 2923.11, 2923.121, 2923.126, 2923.129,	2
2923.1212, 2923.18, 2923.20, and 2953.37 and to	3
enact sections 9.69 and 2923.1214 of the Revised	4
Code to modify the law governing state	5
preemption of local firearm regulations and	6
related remedies, the grounds for self-defense	7
and the burden of proof, the authority of a law	8
enforcement officer or investigator to carry a	9
weapon, the offense of unlawful transactions in	10
weapons, and other weapons-related laws.	11

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

Section 1. That sections 9.68, 109.801, 307.93, 307.932,	12
2901.05, 2923.11, 2923.121, 2923.126, 2923.129, 2923.1212,	13

2923.18, 2923.20, and 2953.37 be amended and sections 9.69 and 14
2923.1214 of the Revised Code be enacted to read as follows: 15

Sec. 9.68. (A) The individual right to keep and bear arms, 16
being a fundamental individual right that predates the United 17
States Constitution and Ohio Constitution, and being a 18
constitutionally protected right in every part of Ohio, the 19
general assembly finds the need to provide uniform laws 20
throughout the state regulating the ownership, possession, 21
purchase, other acquisition, transport, storage, carrying, sale, 22
~~or other transfer, manufacture, taxation, keeping, and reporting~~ 23
of loss or theft of firearms, their components, and their 24
ammunition. The general assembly also finds and declares that it 25
is proper for law-abiding people to protect themselves, their 26
families, and others from intruders and attackers without fear 27
of prosecution or civil action for acting in defense of 28
themselves or others. Except as specifically provided by the 29
United States Constitution, Ohio Constitution, state law, or 30
federal law, a person, without further license, permission, 31
restriction, delay, or process, including by any ordinance, 32
rule, regulation, resolution, practice, or other action or any 33
threat of citation, prosecution, or other legal process, may 34
own, possess, purchase, ~~sell, transfer~~ acquire, transport, 35
store, carry, sell, transfer, manufacture, or keep any firearm, 36
part of a firearm, its components, and its ammunition. Any such 37
further license, permission, restriction, delay, or process 38
interferes with the fundamental individual right described in 39
this division and unduly inhibits law-abiding people from 40
protecting themselves, their families, and others from intruders 41
and attackers and from other legitimate uses of constitutionally 42
protected firearms, including hunting and sporting activities, 43
and the state by this section preempts, supersedes, and declares 44

null and void any such further license, permission, restriction,
delay, or process.

(B) A person, group, or entity adversely affected by any
manner of ordinance, rule, regulation, resolution, practice, or
other action enacted or enforced by a political subdivision in
conflict with division (A) of this section may bring a civil
action against the political subdivision seeking damages from
the political subdivision, declaratory relief, injunctive
relief, or a combination of those remedies. Any damages awarded
shall be awarded against, and paid by, the political
subdivision. In addition to any actual damages awarded against
the political subdivision and other relief provided with respect
to such an action, the court shall award ~~costs and~~ reasonable
attorney fees ~~expenses~~ to any person, group, or entity that
brings the action, to be paid by the political subdivision, if
either of the following applies:

(1) The person, group, or entity prevails in a challenge
to ~~an~~ the ordinance, rule, ~~or~~ regulation, resolution, practice,
or action as being in conflict with division (A) of this
section.

(2) The ordinance, rule, regulation, resolution, practice,
or action or the manner of its enforcement is repealed or
rescinded after the civil action was filed but prior to a final
court determination of the action.

(C) As used in this section:

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

firearms, their components, or their ammunition. 74

(2) "Firearm" has the same meaning as in section 2923.11 75
of the Revised Code. 76

(3) "Reasonable expenses" include, but are not limited to, 77
reasonable attorney's fees, court costs, expert witness fees, 78
and compensation for loss of income. 79

(D) This section does not apply to either of the 80
following: 81

(1) A zoning ordinance that regulates or prohibits the 82
commercial sale of firearms, firearm components, or ammunition 83
for firearms in areas zoned for residential or agricultural 84
uses; 85

(2) A zoning ordinance that specifies the hours of 86
operation or the geographic areas where the commercial sale of 87
firearms, firearm components, or ammunition for firearms may 88
occur, provided that the zoning ordinance is consistent with 89
zoning ordinances for other retail establishments in the same 90
geographic area and does not result in a de facto prohibition of 91
the commercial sale of firearms, firearm components, or 92
ammunition for firearms in areas zoned for commercial, retail, 93
or industrial uses. 94

Sec. 9.69. (A) As used in this section, "law enforcement 95
officer" means any of the following who is employed, 96
commissioned, disposed, appointed, or elected in a capacity 97
specified in division (A)(1), (2), or (3) of this section for 98
this state, a political subdivision of this state, or an agency, 99
department, or instrumentality of this state or a political 100
subdivision of this state: 101

(1) Any law enforcement officer, as defined in section 102

2901.01 of the Revised Code; 103

(2) Any peace officer, as defined in section 2935.01 of 104
the Revised Code; 105

(3) Any person who is employed in this state, who is 106
authorized to carry firearms, and who is subject to and in 107
compliance with the requirements of section 109.801 of the 108
Revised Code. 109

(B) For purposes of the Revised Code, both of the 110
following apply regarding a law enforcement officer who, by 111
virtue of the officer's employment, commissioning, disposition, 112
appointment, or election as that law enforcement officer, has a 113
responsibility to enforce all or certain laws: 114

(1) The officer holds public office on a continuing basis 115
and has a continuing duty to enforce those laws. 116

(2) The officer is always on duty, regardless of whether 117
the officer is, or is not, officially within work hours or 118
officially on the clock. 119

Sec. 109.801. (A) (1) Each year, any of the following 120
persons who are authorized to carry firearms in the course of 121
their official duties shall complete successfully a firearms 122
requalification program approved by the executive director of 123
the Ohio peace officer training commission in accordance with 124
rules adopted by the attorney general pursuant to section 125
109.743 of the Revised Code: any peace officer, sheriff, chief 126
of police of an organized police department of a municipal 127
corporation or township, chief of police of a township police 128
district or joint police district police force, superintendent 129
of the state highway patrol, state highway patrol trooper, or 130
chief of police of a university or college police department; 131

any parole or probation officer who carries a firearm in the 132
course of official duties; any corrections officer of a 133
multicounty correctional center, or of a municipal-county or 134
multicounty-municipal correctional center, established under 135
section 307.93 of the Revised Code who carries a firearm in the 136
course of official duties; the house of representatives sergeant 137
at arms if the house of representatives sergeant at arms has 138
arrest authority pursuant to division (E)(1) of section 101.311 139
of the Revised Code; any assistant house of representatives 140
sergeant at arms; the senate sergeant at arms; any assistant 141
senate sergeant at arms; any tactical medical professional; or 142
any employee of the department of youth services who is 143
designated pursuant to division (A)(2) of section 5139.53 of the 144
Revised Code as being authorized to carry a firearm while on 145
duty as described in that division. 146

(2) No person listed in division (A)(1) of this section 147
shall carry a firearm during the course of official duties if 148
the person does not comply with division (A)(1) of this section. 149

(B) The hours that a sheriff spends attending a firearms 150
requalification program required by division (A) of this section 151
are in addition to the sixteen hours of continuing education 152
that are required by division (E) of section 311.01 of the 153
Revised Code. 154

(C) As used in this section, "firearm" has the same 155
meaning as in section 2923.11 of the Revised Code. 156

Sec. 307.93. (A) (1) The boards of county commissioners of 157
two or more adjacent counties may contract for the joint 158
establishment of a multicounty correctional center, and the 159
board of county commissioners of a county or the boards of two 160
or more counties may contract with any municipal corporation or 161

municipal corporations located in that county or those counties 162
for the joint establishment of a municipal-county or 163
multicounty-municipal correctional center. The center shall 164
augment county and, where applicable, municipal jail programs 165
and facilities by providing custody and rehabilitative programs 166
for those persons under the charge of the sheriff of any of the 167
contracting counties or of the officer or officers of the 168
contracting municipal corporation or municipal corporations 169
having charge of persons incarcerated in the municipal jail, 170
workhouse, or other correctional facility who, in the opinion of 171
the sentencing court, need programs of custody and 172
rehabilitation not available at the county or municipal jail and 173
by providing custody and rehabilitative programs in accordance 174
with division (C) of this section, if applicable. The contract 175
may include, but need not be limited to, provisions regarding 176
the acquisition, construction, maintenance, repair, termination 177
of operations, and administration of the center. The acquisition 178
of the facility, to the extent appropriate, may include the 179
leasing of the Ohio river valley facility or a specified portion 180
of that facility pursuant to division (B)(3) of this section. 181
The contract shall prescribe the manner of funding of, and debt 182
assumption for, the center and the standards and procedures to 183
be followed in the operation of the center. Except as provided 184
in division (G) of this section, the contracting counties and 185
municipal corporations shall form a corrections commission to 186
oversee the administration of the center. Members of the 187
commission shall consist of the sheriff of each participating 188
county, a member of the board of county commissioners of each 189
participating county, the chief of police of each participating 190
municipal corporation, and the mayor or city manager of each 191
participating municipal corporation. Any of the foregoing 192
officers may appoint a designee to serve in the officer's place 193

on the corrections commission. 194

The standards and procedures prescribed under this 195
division shall be formulated and agreed to by the commission and 196
may be amended at any time during the life of the contract by 197
agreement of a majority of the voting members of the commission 198
or by other means set forth in the contract between the 199
contracting counties and municipal corporations. The standards 200
and procedures formulated by the commission and amendments to 201
them shall include, but need not be limited to, designation of 202
the person in charge of the center, designation of a fiscal 203
agent, the categories of employees to be employed at the center, 204
the appointing authority of the center, and the standards of 205
treatment and security to be maintained at the center. The 206
person in charge of, and all persons employed to work at, the 207
center shall have all the powers of police officers that are 208
necessary for the proper performance of the duties ~~relating to~~ 209
~~their positions at and work responsibilities of the center,~~ 210
provided that the corrections officers of the center may carry 211
firearms in the performance of those duties and responsibilities 212
only in accordance with division (A)(2) of this section. 213

(2) The person in charge of a multicounty correctional 214
center, or of a municipal-county or multicounty-municipal 215
correctional center, may grant permission to a corrections 216
officer of the center to carry firearms when required in the 217
discharge of official duties if the corrections officer has 218
successfully completed a basic firearm training program that is 219
approved by the executive director of the Ohio peace officer 220
training commission. A corrections officer who has been granted 221
permission to carry firearms in the discharge of official duties 222
annually shall successfully complete a firearms requalification 223
program in accordance with section 109.801 of the Revised Code. 224

A corrections officer may carry firearms under authority of this 225
division only while the officer is acting within the scope of 226
the officer's official duties. 227

(B) (1) Upon the establishment of a corrections commission 228
under division (A) of this section, the judges specified in this 229
division shall form a judicial advisory board for the purpose of 230
making recommendations to the corrections commission on issues 231
of bed allocation, expansion of the center that the corrections 232
commission oversees, and other issues concerning the 233
administration of sentences or any other matter determined to be 234
appropriate by the board. The judges who shall form the judicial 235
advisory board for a corrections commission are the 236
administrative judge of the general division of the court of 237
common pleas of each county participating in the corrections 238
center, the presiding judge of the municipal court of each 239
municipal corporation participating in the corrections center, 240
and the presiding judge of each county court of each county 241
participating in the corrections center. If the number of the 242
foregoing members of the board is even, the county auditor or 243
the county auditor of the most populous county if the board 244
serves more than one county shall also be a member of the board. 245
Any of the foregoing judges may appoint a designee to serve in 246
the judge's place on the judicial advisory board, provided that 247
the designee shall be a judge of the same court as the judge who 248
makes the appointment. The judicial advisory board for a 249
corrections commission shall meet with the corrections 250
commission at least once each year. 251

(2) Each board of county commissioners that enters a 252
contract under division (A) of this section may appoint a 253
building commission pursuant to section 153.21 of the Revised 254
Code. If any commissions are appointed, they shall function 255

jointly in the construction of a multicounty or multicounty- 256
municipal correctional center with all the powers and duties 257
authorized by law. 258

(3) Subject to the limitation described in this division, 259
the boards of county commissioners that contract or have 260
contracted for the joint establishment of a multicounty 261
correctional center under division (A) of this section, or the 262
boards of county commissioners of the counties and legislative 263
authorities of the municipal corporations that contract or have 264
contracted for the joint establishment of a municipal-county or 265
multicounty-municipal correctional center under that division, 266
may enter into an agreement with the director of administrative 267
services pursuant to which the contracting counties and 268
municipal corporations shall use the Ohio river valley facility 269
or a specified portion of that facility as the multicounty 270
correctional center, municipal-county correctional center, or 271
multicounty-municipal correctional center covered by the 272
contract entered into under division (A) of this section. A 273
contract with the director of administrative services may be 274
entered into under this division only if one or more of the 275
contracting counties is adjacent to Scioto county. 276

The department may enter into an agreement as described in 277
this division at any time on or after ~~the effective date of this~~ 278
~~amendment~~ September 29, 2017, or, if the department had entered 279
into an agreement with the board of county commissioners of 280
Lawrence county pursuant to section 341.121 of the Revised Code 281
for the use by the sheriff of that county of a specified portion 282
of the facility as a jail for Lawrence county, at any time on or 283
after the date that control of the specified portion of the 284
facility reverts to the state under division (B) (4) or (C) of 285
that section. 286

(C) Prior to the acceptance for custody and rehabilitation 287
into a center established under this section of any persons who 288
are designated by the department of rehabilitation and 289
correction, who plead guilty to or are convicted of a felony of 290
the fourth or fifth degree, and who satisfy the other 291
requirements listed in section 5120.161 of the Revised Code, the 292
corrections commission of a center established under this 293
section shall enter into an agreement with the department of 294
rehabilitation and correction under section 5120.161 of the 295
Revised Code for the custody and rehabilitation in the center of 296
persons who are designated by the department, who plead guilty 297
to or are convicted of a felony of the fourth or fifth degree, 298
and who satisfy the other requirements listed in that section, 299
in exchange for a per diem fee per person. Persons incarcerated 300
in the center pursuant to an agreement entered into under this 301
division shall be subject to supervision and control in the 302
manner described in section 5120.161 of the Revised Code. This 303
division does not affect the authority of a court to directly 304
sentence a person who is convicted of or pleads guilty to a 305
felony to the center in accordance with section 2929.16 of the 306
Revised Code. 307

(D) Pursuant to section 2929.37 of the Revised Code, each 308
board of county commissioners and the legislative authority of 309
each municipal corporation that enters into a contract under 310
division (A) of this section may require a person who was 311
convicted of an offense, who is under the charge of the sheriff 312
of their county or of the officer or officers of the contracting 313
municipal corporation or municipal corporations having charge of 314
persons incarcerated in the municipal jail, workhouse, or other 315
correctional facility, and who is confined in the multicounty, 316
municipal-county, or multicounty-municipal correctional center 317

as provided in that division, to reimburse the applicable county 318
or municipal corporation for its expenses incurred by reason of 319
the person's confinement in the center. 320

(E) Notwithstanding any contrary provision in this section 321
or section 2929.18, 2929.28, or 2929.37 of the Revised Code, the 322
corrections commission of a center may establish a policy that 323
complies with section 2929.38 of the Revised Code and that 324
requires any person who is not indigent and who is confined in 325
the multicounty, municipal-county, or multicounty-municipal 326
correctional center to pay a reception fee, a fee for medical 327
treatment or service requested by and provided to that person, 328
or the fee for a random drug test assessed under division (E) of 329
section 341.26 of the Revised Code. 330

(F) (1) The corrections commission of a center established 331
under this section may establish a commissary for the center. 332
The commissary may be established either in-house or by another 333
arrangement. If a commissary is established, all persons 334
incarcerated in the center shall receive commissary privileges. 335
A person's purchases from the commissary shall be deducted from 336
the person's account record in the center's business office. The 337
commissary shall provide for the distribution to indigent 338
persons incarcerated in the center of necessary hygiene articles 339
and writing materials. 340

(2) If a commissary is established, the corrections 341
commission of a center established under this section shall 342
establish a commissary fund for the center. The management of 343
funds in the commissary fund shall be strictly controlled in 344
accordance with procedures adopted by the auditor of state. 345
Commissary fund revenue over and above operating costs and 346
reserve shall be considered profits. All profits from the 347

commissary fund shall be used to purchase supplies and equipment 348
for the benefit of persons incarcerated in the center and to pay 349
salary and benefits for employees of the center, or for any 350
other persons, who work in or are employed for the sole purpose 351
of providing service to the commissary. The corrections 352
commission shall adopt rules and regulations for the operation 353
of any commissary fund it establishes. 354

(G) In lieu of forming a corrections commission to 355
administer a multicounty correctional center or a municipal- 356
county or multicounty-municipal correctional center, the boards 357
of county commissioners and the legislative authorities of the 358
municipal corporations contracting to establish the center may 359
also agree to contract for the private operation and management 360
of the center as provided in section 9.06 of the Revised Code, 361
but only if the center houses only misdemeanor inmates. In 362
order to enter into a contract under section 9.06 of the Revised 363
Code, all the boards and legislative authorities establishing 364
the center shall approve and be parties to the contract. 365

(H) If a person who is convicted of or pleads guilty to an 366
offense is sentenced to a term in a multicounty correctional 367
center or a municipal-county or multicounty-municipal 368
correctional center or is incarcerated in the center in the 369
manner described in division (C) of this section, or if a person 370
who is arrested for an offense, and who has been denied bail or 371
has had bail set and has not been released on bail is confined 372
in a multicounty correctional center or a municipal-county or 373
multicounty-municipal correctional center pending trial, at the 374
time of reception and at other times the officer, officers, or 375
other person in charge of the operation of the center determines 376
to be appropriate, the officer, officers, or other person in 377
charge of the operation of the center may cause the convicted or 378

accused offender to be examined and tested for tuberculosis, HIV 379
infection, hepatitis, including but not limited to hepatitis A, 380
B, and C, and other contagious diseases. The officer, officers, 381
or other person in charge of the operation of the center may 382
cause a convicted or accused offender in the center who refuses 383
to be tested or treated for tuberculosis, HIV infection, 384
hepatitis, including but not limited to hepatitis A, B, and C, 385
or another contagious disease to be tested and treated 386
involuntarily. 387

(I) As used in this section: 388

(1) "Multicounty-municipal" means more than one county and 389
a municipal corporation, or more than one municipal corporation 390
and a county, or more than one municipal corporation and more 391
than one county. 392

(2) "Ohio river valley facility" has the same meaning as 393
in section 341.121 of the Revised Code. 394

Sec. 307.932. (A) As used in this section: 395

(1) "Division of parole and community services" means the 396
division of parole and community services of the department of 397
rehabilitation and correction. 398

(2) "Eligible offender" means, in relation to a particular 399
community alternative sentencing center or district community 400
alternative sentencing center established and operated under 401
this section, an offender who has been convicted of or pleaded 402
guilty to a qualifying misdemeanor offense, for whom no 403
provision of the Revised Code or ordinance of a municipal 404
corporation other than section 4511.19 of the Revised Code, both 405
sections 4510.14 and 4511.19 of the Revised Code, or an 406
ordinance or ordinances of a municipal corporation that provide 407

the penalties for a municipal OVI offense or for both a 408
municipal OVI ordinance and a municipal DUS ordinance of the 409
municipal corporation requires the imposition of a mandatory 410
jail term for that qualifying misdemeanor offense, and who is 411
eligible to be sentenced directly to that center and admitted to 412
it under rules adopted under division (G) of this section by the 413
board of county commissioners, affiliated group of boards of 414
county commissioners, or municipal corporation that established 415
and operates that center. 416

(3) "Municipal OVI offense" has the same meaning as in 417
section 4511.181 of the Revised Code. 418

(4) "OVI term of confinement" means a term of confinement 419
imposed for a violation of section 4511.19 of the Revised Code 420
or for a municipal OVI offense, including any mandatory jail 421
term or mandatory term of local incarceration imposed for that 422
violation or offense. 423

(5) "Community residential sanction" means a community 424
residential sanction imposed under section 2929.26 of the 425
Revised Code for a misdemeanor violation of a section of the 426
Revised Code or a term of confinement imposed for a misdemeanor 427
violation of a municipal ordinance that is not a jail term. 428

(6) "Qualifying misdemeanor offense" means a violation of 429
any section of the Revised Code that is a misdemeanor or a 430
violation of any ordinance of a municipal corporation located in 431
the county that is a misdemeanor. 432

(7) "Municipal DUS offense" means a violation of a 433
municipal ordinance that is substantially equivalent to section 434
4510.14 of the Revised Code. 435

(B) (1) The board of county commissioners of any county, in 436

consultation with the sheriff of the county, may establish a 437
community alternative sentencing center that, upon 438
implementation by the county or being subcontracted to or 439
operated by a nonprofit organization, shall be used for the 440
confinement of eligible offenders sentenced directly to the 441
center by a court located in any county pursuant to a community 442
residential sanction of not more than ninety days or pursuant to 443
an OVI term of confinement of not more than ninety days, and for 444
the purpose of closely monitoring those eligible offenders' 445
adjustment to community supervision. A board that establishes a 446
center pursuant to this division shall do so by resolution. 447

(2) The boards of county commissioners of two or more 448
adjoining or neighboring counties, in consultation with the 449
sheriffs of each of those counties, may affiliate and establish 450
by resolution adopted by each of them a district community 451
alternative sentencing center that, upon implementation by the 452
counties or being subcontracted to or operated by a nonprofit 453
organization, shall be used for the confinement of eligible 454
offenders sentenced directly to the center by a court located in 455
any county pursuant to a community residential sanction of not 456
more than ninety days or pursuant to an OVI term of confinement 457
of not more than ninety days, and for the purpose of closely 458
monitoring those eligible offenders' adjustment to community 459
supervision. Each board that affiliates with one or more other 460
boards to establish a center pursuant to this division shall do 461
so by resolution. 462

(3) A municipal corporation may establish a community 463
alternative sentencing center that, upon implementation by the 464
municipal corporation or being subcontracted to or operated by a 465
nonprofit organization, shall be used for the confinement of 466
eligible offenders sentenced directly to the center by a court 467

located in any county pursuant to a community residential 468
sanction of not more than ninety days or pursuant to an OVI term 469
of confinement of not more than ninety days, and for the purpose 470
of closely monitoring those eligible offenders' adjustment to 471
community supervision. A municipal corporation that establishes 472
a center pursuant to this division shall do so by resolution. 473

(C) Each resolution establishing a community alternative 474
sentencing center or a district community alternative sentencing 475
center under division (B) of this section shall include 476
provisions for operation of the center and for criteria to 477
define which offenders are eligible to be sentenced directly to 478
the center and admitted to it. At a minimum, the criteria that 479
define which offenders are eligible to be sentenced directly to 480
the center and admitted to it shall provide that an offender is 481
eligible to be sentenced directly to the center and admitted to 482
it if the offender has been convicted of or pleaded guilty to a 483
qualifying misdemeanor offense and is sentenced directly to the 484
center for the qualifying misdemeanor offense pursuant to a 485
community residential sanction of not more than ninety days or 486
pursuant to an OVI term of confinement of not more than ninety 487
days by a court that is located in any county. 488

(D) If a community alternative sentencing center or a 489
district community alternative sentencing center that is 490
established under division (B) of this section contemplates the 491
use of an existing facility, or a part of an existing facility, 492
as the center, nothing in this section limits, restricts, or 493
precludes the use of the facility, the part of the facility, or 494
any other part of the facility for any purpose other than as a 495
community alternative sentencing center or district community 496
alternative sentencing center. 497

(E) If a board of county commissioners, an affiliated 498
group of boards of county commissioners, or municipal 499
corporation establishes and operates or subcontracts with a 500
nonprofit organization for the operation of a community 501
alternative sentencing center or district community alternative 502
sentencing center under this division, except as otherwise 503
provided in this division, the center is not a minimum security 504
jail under section 341.14, section 753.21, or any other 505
provision of the Revised Code, is not a jail or alternative 506
residential facility as defined in section 2929.01 of the 507
Revised Code, is not required to satisfy or comply with minimum 508
standards for minimum security jails or other jails that are 509
promulgated under division (A) of section 5120.10 of the Revised 510
Code, is not a local detention facility as defined in section 511
2929.36 of the Revised Code, and is not a residential unit as 512
defined in section 2950.01 of the Revised Code. The center is a 513
detention facility as defined in sections 2921.01 and 2923.124 514
of the Revised Code, and an eligible offender confined in the 515
center is under detention as defined in section 2921.01 of the 516
Revised Code. Regarding persons sentenced directly to the center 517
under an OVI term of confinement or under both an OVI term of 518
confinement and confinement for a violation of section 4510.14 519
of the Revised Code or a municipal DUS offense, the center shall 520
be considered a "jail" or "local correctional facility" for 521
purposes of any provision in section 4510.14 or 4511.19 of the 522
Revised Code or in an ordinance of a municipal corporation that 523
requires a mandatory jail term or mandatory term of local 524
incarceration for the violation of section 4511.19 of the 525
Revised Code, the violation of both ~~section~~sections 4510.14 and 526
4511.19 of the Revised Code, the municipal OVI offense, or the 527
municipal OVI offense and the municipal DUS offense, and a 528
direct sentence of a person to the center under an OVI term of 529

confinement or under both an OVI term of confinement and 530
confinement for a violation of section 4510.14 of the Revised 531
Code or a municipal DUS offense shall be considered to be a 532
sentence to a "jail" or "local correctional facility" for 533
purposes of any such provision in section 4510.14 or 4511.19 of 534
the Revised Code or in an ordinance of a municipal corporation. 535

(F) (1) If the board of county commissioners of a county 536
that is being served by a community alternative sentencing 537
center established pursuant to this section determines that it 538
no longer wants to be served by the center, the board may 539
dissolve the center by adopting a resolution evidencing the 540
determination to dissolve the center. 541

(2) If the boards of county commissioners of all of the 542
counties served by any district community alternative sentencing 543
center established pursuant to this section determine that they 544
no longer want to be served by the center, the boards may 545
dissolve the center by adopting in each county a resolution 546
evidencing the determination to dissolve the center. 547

(3) If at least one, but not all, of the boards of county 548
commissioners of the counties being served by any district 549
community alternative sentencing center established pursuant to 550
this section determines that it no longer wants to be served by 551
the center, the board may terminate its involvement with the 552
center by adopting a resolution evidencing the determination to 553
terminate its involvement with the center. If at least one, but 554
not all, of the boards of county commissioners of the counties 555
being served by any community alternative sentencing center 556
terminates its involvement with the center in accordance with 557
this division, the other boards of county commissioners of the 558
counties being served by the center may continue to be served by 559

the center. 560

(4) If a municipal corporation that is being served by a 561
community alternative sentencing center established pursuant to 562
this section determines that it no longer wants to be served by 563
the center, the municipal corporation may dissolve the center by 564
adopting a resolution evidencing the determination to dissolve 565
the center. 566

(G) Prior to operating a community alternative sentencing 567
center or a district community alternative sentencing center, 568
the board of county commissioners, the affiliated group of 569
boards of county commissioners, or municipal corporation that 570
established the center shall adopt rules for the operation of 571
the center. The rules shall include criteria that define which 572
offenders are eligible to be sentenced directly to the center 573
and admitted to it. 574

(H) If a board of county commissioners operates or 575
subcontracts with a nonprofit organization for the operation of 576
a community alternative sentencing center, an affiliated group 577
of boards of county commissioners operates or subcontracts with 578
a nonprofit organization for the operation of a district 579
community alternative sentencing center, or a municipal 580
corporation operates or subcontracts with a nonprofit 581
organization for the operation of a community alternative 582
sentencing center under this section, all of the following 583
apply: 584

(1) With the approval of the operator of the center, a 585
court located within any county may directly sentence eligible 586
offenders to a community alternative sentencing center or 587
district community alternative sentencing center pursuant to a 588
community residential sanction of not more than ninety days or 589

pursuant to an OVI term of confinement, a combination of an OVI 590
term of confinement and confinement for a violation of section 591
4510.14 of the Revised Code, or confinement for a municipal DUS 592
offense of not more than ninety days. 593

(2) Each eligible offender who is sentenced to the center 594
as described in division (H) (1) of this section and admitted to 595
it shall be offered during the eligible offender's confinement 596
at the center educational and vocational services and reentry 597
planning and may be offered any other treatment and 598
rehabilitative services that are available and that the court 599
that sentenced the particular eligible offender to the center 600
and the administrator of the center determine are appropriate 601
based upon the offense for which the eligible offender was 602
sentenced to the community residential sanction and the length 603
of the sanction. 604

(3) Before accepting an eligible offender sentenced to the 605
center by a court, the board, the affiliated group of boards, or 606
the municipal corporation shall enter into an agreement with a 607
political subdivision that operates that court that addresses 608
the cost and payment of medical treatment or services received 609
by eligible offenders sentenced by that court while they are 610
confined in the center. The agreement may provide for the 611
payment of the costs by the particular eligible offender who 612
receives the treatment or services, as described in division (I) 613
of this section. 614

(4) If an eligible offender a court sentences to the 615
center is admitted to the center, all of the following apply: 616

(a) The admission shall be under the terms and conditions 617
established by the court and the administrator of the center, 618
and the court and the administrator of the center shall provide 619

for the confinement of the eligible offender and supervise the 620
eligible offender as provided in divisions (H) (4) (b) to (f) of 621
this section. 622

(b) The eligible offender shall be confined in the center 623
during any period of time that the eligible offender is not 624
actually working at the eligible offender's approved work 625
release described in division (H) (4) (c) of this section, engaged 626
in community service activities described in division (H) (4) (d) 627
of this section, engaged in authorized vocational training or 628
another authorized educational program, engaged in another 629
program designated by the administrator of the center, or 630
engaged in other activities approved by the court and the 631
administrator of the center. 632

(c) If the court and the administrator of the center 633
determine that work release is appropriate based upon the 634
offense for which the eligible offender was sentenced to the 635
community residential sanction or OVI term of confinement and 636
the length of the sanction or term, the eligible offender may be 637
offered work release from confinement at the center and be 638
released from confinement while engaged in the work release. 639

(d) An eligible offender may not participate in community 640
service without the court's approval. If the administrator of 641
the center determines that community service is appropriate and 642
if the eligible offender will be confined for more than ten days 643
at the center, the eligible offender may be required to 644
participate in community service activities approved by the 645
court and by the political subdivision served by the court. 646
Community service activities that may be required under this 647
division may take place in facilities of the political 648
subdivision that operates the court, in the community, or in 649

both such locales. The eligible offender shall be released from 650
confinement while engaged in the community service activities. 651
Community service activities required under this division shall 652
be supervised by the court or an official designated by the 653
board of county commissioners or affiliated group of boards of 654
county commissioners that established and is operating the 655
center. Community service activities required under this 656
division shall not exceed in duration the period for which the 657
eligible offender will be confined at the center under the 658
community residential sanction or the OVI term of confinement. 659

(e) The confinement of the eligible offender in the center 660
shall be considered for purposes of this division and division 661
(H) (4) (f) of this section as including any period of time 662
described in division (H) (4) (b) of this section when the 663
eligible offender may be outside of the center and shall 664
continue until the expiration of the community residential 665
sanction, the OVI term of confinement, or the combination of the 666
OVI term of confinement and the confinement for the violation of 667
section 4510.14 of the Revised Code or the municipal DUS 668
ordinance that the eligible offender is serving upon admission 669
to the center. 670

(f) After the admission and until the expiration of the 671
community residential sanction or OVI term of confinement that 672
the eligible offender is serving upon admission to the center, 673
the eligible offender shall be considered for purposes of any 674
provision in Title XXIX of the Revised Code to be serving the 675
community residential sanction or OVI term of confinement. 676

(5) The administrator of the center, or the 677
administrator's designee, shall post a sign as described in 678
~~division (A) (4) of~~ section 2923.1212 of the Revised Code in a 679

conspicuous location at the center. 680

(I) The board of county commissioners that establishes a 681
community alternative sentencing center under this section, the 682
affiliated group of boards of county commissioners that 683
establishes a district community alternative sentencing center 684
under this section, or the municipal corporation that 685
establishes a community alternative sentencing center under this 686
section, may require an eligible offender who is sentenced 687
directly to the center and admitted to it to pay to the county 688
served by the board, the counties served by the affiliated group 689
of boards, the municipal corporation, or the entity operating 690
the center the reasonable expenses incurred by the county, 691
counties, municipal corporation, or entity, whichever is 692
applicable, in supervising or confining the eligible offender 693
after being sentenced to the center and admitted. Inability to 694
pay those reasonable expenses shall not be grounds for refusing 695
to admit an otherwise eligible offender to the center. 696

(J) (1) If an eligible offender who is directly sentenced 697
to a community alternative sentencing center or district 698
community alternative sentencing center and admitted to the 699
center successfully completes the service of the community 700
residential sanction in the center, the administrator of the 701
center shall notify the court that imposed the sentence, and the 702
court shall enter into the journal that the eligible offender 703
successfully completed the service of the sanction. 704

(2) If an eligible offender who is directly sentenced to a 705
community alternative sentencing center or district community 706
alternative sentencing center and admitted to the center 707
violates any rule established under this section by the board of 708
county commissioners or the affiliated group of boards of county 709

commissioners that establishes the center, violates any 710
condition of the community residential sanction, the OVI term of 711
confinement, or the combination of the OVI term of confinement 712
and the confinement for the violation of section 4510.14 of the 713
Revised Code or the municipal OVI ordinance imposed by the 714
sentencing court, or otherwise does not successfully complete 715
the service of the community residential sanction or OVI term of 716
confinement in the center, the administrator of the center shall 717
report the violation or failure to successfully complete the 718
sanction or term directly to the court or to the probation 719
department or probation officer with general control and 720
supervision over the eligible offender. A failure to 721
successfully complete the service of the community residential 722
sanction, the OVI term of confinement, or the combination of the 723
OVI term of confinement and the confinement for the violation of 724
section 4510.14 of the Revised Code or the municipal OVI 725
ordinance in the center shall be considered a violation of a 726
condition of the community residential sanction or the OVI term 727
of confinement. If the administrator reports the violation to 728
the probation department or probation officer, the department or 729
officer shall report the violation to the court. Upon its 730
receipt under this division of a report of a violation or 731
failure to complete the sanction by a person sentenced to the 732
center under a community residential sanction, the court may 733
proceed as specified in division (C)(2) of section 2929.25 of 734
the Revised Code based on the violation or as provided by 735
ordinance of the municipal corporation based on the violation, 736
whichever is applicable. Upon its receipt under this division of 737
a report of a violation or failure to complete the term by a 738
person sentenced to the center under an OVI term of confinement, 739
the court shall determine the place at which the offender is to 740
serve the remainder of the term of confinement. The eligible 741

offender shall receive credit towards completing the eligible 742
offender's sentence for the time spent in the center after 743
admission to it. 744

Sec. 2901.05. (A) Every person accused of an offense is 745
presumed innocent until proven guilty beyond a reasonable doubt, 746
and the burden of proof for all elements of the offense is upon 747
the prosecution. The burden of going forward with the evidence 748
of an affirmative defense, and the burden of proof, by a 749
preponderance of the evidence, for an affirmative defense other 750
than self-defense, defense of another, or defense of the 751
accused's residence as described in division (B)(1) of this 752
section, is upon the accused. 753

(B) (1) A person is allowed to act in self-defense, defense 754
of another, or defense of that person's residence. If, at the 755
trial of a person who is accused of an offense that involved the 756
person's use of force against another, there is evidence 757
presented that tends to support that the accused person used the 758
force in self-defense, defense of another, or defense of that 759
person's residence, the prosecution must prove beyond a 760
reasonable doubt that the accused person did not use the force 761
in self-defense, defense of another, or defense of that person's 762
residence, as the case may be. 763

(2) Subject to division (B) ~~(2)~~ (3) of this section, a 764
person is presumed to have acted in self-defense or defense of 765
another when using defensive force that is intended or likely to 766
cause death or great bodily harm to another if the person 767
against whom the defensive force is used is in the process of 768
unlawfully and without privilege to do so entering, or has 769
unlawfully and without privilege to do so entered, the residence 770
or vehicle occupied by the person using the defensive force. 771

~~(2)(a)(3)~~ (3) The presumption set forth in division (B) ~~(1)(2)~~ of this section does not apply if either of the following is true:

(a) The person against whom the defensive force is used has a right to be in, or is a lawful resident of, the residence or vehicle.

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

~~(3)(4)~~ (4) The presumption set forth in division (B) ~~(1)(2)~~ of this section is a rebuttable presumption and may be rebutted by a preponderance of the evidence, provided that the prosecution's burden of proof remains proof beyond a reasonable doubt as described in divisions (A) and (B) (1) of this section.

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

(D) As used in this section:

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

(a) A defense expressly designated as affirmative;

(b) A defense involving an excuse or justification peculiarly within the knowledge of the accused, on which the accused can fairly be required to adduce supporting evidence.

(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, 800
regardless of whether the building or conveyance is temporary or 801
permanent or is mobile or immobile. As used in this division, a 802
building or conveyance includes, but is not limited to, an 803
attached porch, and a building or conveyance with a roof over it 804
includes, but is not limited to, a tent. 805

(3) "Residence" means a dwelling in which a person resides 806
either temporarily or permanently or is visiting as a guest. 807

(4) "Vehicle" means a conveyance of any kind, whether or 808
not motorized, that is designed to transport people or property. 809

(E) "Reasonable doubt" is present when the jurors, after 810
they have carefully considered and compared all the evidence, 811
cannot say they are firmly convinced of the truth of the charge. 812
It is a doubt based on reason and common sense. Reasonable doubt 813
is not mere possible doubt, because everything relating to human 814
affairs or depending on moral evidence is open to some possible 815
or imaginary doubt. "Proof beyond a reasonable doubt" is proof 816
of such character that an ordinary person would be willing to 817
rely and act upon it in the most important of the person's own 818
affairs. 819

Sec. 2923.11. As used in sections 2923.11 to 2923.24 of 820
the Revised Code: 821

(A) "Deadly weapon" means any instrument, device, or thing 822
capable of inflicting death, and designed or specially adapted 823
for use as a weapon, or possessed, carried, or used as a weapon. 824

(B) (1) "Firearm" means any deadly weapon capable of 825
expelling or propelling one or more projectiles by the action of 826
an explosive or combustible propellant. "Firearm" includes an 827
unloaded firearm, and any firearm that is inoperable but that 828

can readily be rendered operable. 829

(2) When determining whether a firearm is capable of 830
expelling or propelling one or more projectiles by the action of 831
an explosive or combustible propellant, the trier of fact may 832
rely upon circumstantial evidence, including, but not limited 833
to, the representations and actions of the individual exercising 834
control over the firearm. 835

(C) "Handgun" means any of the following: 836

(1) Any firearm that has a short stock and is designed to 837
be held and fired by the use of a single hand; 838

(2) Any combination of parts from which a firearm of a 839
type described in division (C) (1) of this section can be 840
assembled. 841

(D) "Semi-automatic firearm" means any firearm designed or 842
specially adapted to fire a single cartridge and automatically 843
chamber a succeeding cartridge ready to fire, with a single 844
function of the trigger. 845

(E) "Automatic firearm" means any firearm designed or 846
specially adapted to fire a succession of cartridges with a 847
single function of the trigger. 848

(F) "Sawed-off firearm" means a shotgun with a barrel less 849
than eighteen inches long, or a rifle with a barrel less than 850
sixteen inches long, or a shotgun or rifle less than twenty-six 851
inches long overall. "Sawed-off firearm" does not include any 852
firearm with an overall length of at least twenty-six inches 853
that is approved for sale by the federal bureau of alcohol, 854
tobacco, firearms, and explosives under the "Gun Control Act of 855
1968," 82 Stat. 1213, 18 U.S.C. 921(a) (3), but that is found by 856
the bureau not to be regulated under the "National Firearms 857

Act," 68A Stat. 725 (1934), 26 U.S.C. 5845(a). 858

(G) "Zip-gun" means any of the following: 859

(1) Any firearm of crude and extemporized manufacture; 860

(2) Any device, including without limitation a starter's 861
pistol, that is not designed as a firearm, but that is specially 862
adapted for use as a firearm; 863

(3) Any industrial tool, signalling device, or safety 864
device, that is not designed as a firearm, but that as designed 865
is capable of use as such, when possessed, carried, or used as a 866
firearm. 867

(H) "Explosive device" means any device designed or 868
specially adapted to cause physical harm to persons or property 869
by means of an explosion, and consisting of an explosive 870
substance or agency and a means to detonate it. "Explosive 871
device" includes without limitation any bomb, any explosive 872
demolition device, any blasting cap or detonator containing an 873
explosive charge, and any pressure vessel that has been 874
knowingly tampered with or arranged so as to explode. 875

(I) "Incendiary device" means any firebomb, and any device 876
designed or specially adapted to cause physical harm to persons 877
or property by means of fire, and consisting of an incendiary 878
substance or agency and a means to ignite it. 879

(J) "Ballistic knife" means a knife with a detachable 880
blade that is propelled by a spring-operated mechanism. 881

(K) "Dangerous ordnance" means any of the following, 882
except as provided in division (L) of this section: 883

(1) Any automatic or sawed-off firearm, zip-gun, or 884
ballistic knife; 885

- (2) Any explosive device or incendiary device; 886
- (3) Nitroglycerin, nitrocellulose, nitrostarch, PETN, 887
cyclonite, TNT, picric acid, and other high explosives; amatol, 888
tritonite, tetrytol, pentolite, pectretol, cyclotol, and other 889
high explosive compositions; plastic explosives; dynamite, 890
blasting gelatin, gelatin dynamite, sensitized ammonium nitrate, 891
liquid-oxygen blasting explosives, blasting powder, and other 892
blasting agents; and any other explosive substance having 893
sufficient brisance or power to be particularly suitable for use 894
as a military explosive, or for use in mining, quarrying, 895
excavating, or demolitions; 896
- (4) Any firearm, rocket launcher, mortar, artillery piece, 897
grenade, mine, bomb, torpedo, or similar weapon, designed and 898
manufactured for military purposes, and the ammunition for that 899
weapon; 900
- (5) Any firearm muffler or suppressor; 901
- (6) Any combination of parts that is intended by the owner 902
for use in converting any firearm or other device into a 903
dangerous ordnance; 904
- (7) Any firearm with an overall length of at least twenty- 905
six inches that is approved for sale by the federal bureau of 906
alcohol, tobacco, firearms, and explosives under the "Gun 907
Control Act of 1968," 82 Stat. 1213, 18 U.S.C. 921(a)(3), but 908
that is found by the bureau not to be regulated under the 909
"National Firearms Act," 68A Stat. 725 (1934), 26 U.S.C. 910
5845(a). 911
- (L) "Dangerous ordnance" does not include any of the 912
following: 913
- (1) Any firearm, including a military weapon and the 914

ammunition for that weapon, and regardless of its actual age, 915
that employs a percussion cap or other obsolete ignition system, 916
or that is designed and safe for use only with black powder; 917

(2) Any pistol, rifle, or shotgun, designed or suitable 918
for sporting purposes, including a military weapon as issued or 919
as modified, and the ammunition for that weapon, unless the 920
firearm is an automatic or sawed-off firearm; 921

(3) Any cannon or other artillery piece that, regardless 922
of its actual age, is of a type in accepted use prior to 1887, 923
has no mechanical, hydraulic, pneumatic, or other system for 924
absorbing recoil and returning the tube into battery without 925
displacing the carriage, and is designed and safe for use only 926
with black powder; 927

(4) Black powder, priming quills, and percussion caps 928
possessed and lawfully used to fire a cannon of a type defined 929
in division (L) (3) of this section during displays, 930
celebrations, organized matches or shoots, and target practice, 931
and smokeless and black powder, primers, and percussion caps 932
possessed and lawfully used as a propellant or ignition device 933
in small-arms or small-arms ammunition; 934

(5) Dangerous ordnance that is inoperable or inert and 935
cannot readily be rendered operable or activated, and that is 936
kept as a trophy, souvenir, curio, or museum piece. 937

(6) Any device that is expressly excepted from the 938
definition of a destructive device pursuant to the "Gun Control 939
Act of 1968," 82 Stat. 1213, 18 U.S.C. 921(a) (4), as amended, 940
and regulations issued under that act. 941

(M) "Explosive" means any chemical compound, mixture, or 942
device, the primary or common purpose of which is to function by 943

explosion. "Explosive" includes all materials that have been 944
classified as division 1.1, division 1.2, division 1.3, or 945
division 1.4 explosives by the United States department of 946
transportation in its regulations and includes, but is not 947
limited to, dynamite, black powder, pellet powders, initiating 948
explosives, blasting caps, electric blasting caps, safety fuses, 949
fuse igniters, squibs, cordeau detonant fuses, instantaneous 950
fuses, and igniter cords and igniters. "Explosive" does not 951
include "fireworks," as defined in section 3743.01 of the 952
Revised Code, or any substance or material otherwise meeting the 953
definition of explosive set forth in this section that is 954
manufactured, sold, possessed, transported, stored, or used in 955
any activity described in section 3743.80 of the Revised Code, 956
provided the activity is conducted in accordance with all 957
applicable laws, rules, and regulations, including, but not 958
limited to, the provisions of section 3743.80 of the Revised 959
Code and the rules of the fire marshal adopted pursuant to 960
section 3737.82 of the Revised Code. 961

(N) (1) "Concealed handgun license" or "license to carry a 962
concealed handgun" means, subject to division (N) (2) of this 963
section, a license or temporary emergency license to carry a 964
concealed handgun issued under section 2923.125 or 2923.1213 of 965
the Revised Code or a license to carry a concealed handgun 966
issued by another state with which the attorney general has 967
entered into a reciprocity agreement under section 109.69 of the 968
Revised Code. 969

(2) A reference in any provision of the Revised Code to a 970
concealed handgun license issued under section 2923.125 of the 971
Revised Code or a license to carry a concealed handgun issued 972
under section 2923.125 of the Revised Code means only a license 973
of the type that is specified in that section. A reference in 974

any provision of the Revised Code to a concealed handgun license 975
issued under section 2923.1213 of the Revised Code, a license to 976
carry a concealed handgun issued under section 2923.1213 of the 977
Revised Code, or a license to carry a concealed handgun on a 978
temporary emergency basis means only a license of the type that 979
is specified in section 2923.1213 of the Revised Code. A 980
reference in any provision of the Revised Code to a concealed 981
handgun license issued by another state or a license to carry a 982
concealed handgun issued by another state means only a license 983
issued by another state with which the attorney general has 984
entered into a reciprocity agreement under section 109.69 of the 985
Revised Code. 986

(O) "Valid concealed handgun license" or "valid license to 987
carry a concealed handgun" means a concealed handgun license 988
that is currently valid, that is not under a suspension under 989
division (A)(1) of section 2923.128 of the Revised Code, under 990
section 2923.1213 of the Revised Code, or under a suspension 991
provision of the state other than this state in which the 992
license was issued, and that has not been revoked under division 993
(B)(1) of section 2923.128 of the Revised Code, under section 994
2923.1213 of the Revised Code, or under a revocation provision 995
of the state other than this state in which the license was 996
issued. 997

(P) "Misdemeanor punishable by imprisonment for a term 998
exceeding one year" does not include any of the following: 999

(1) Any federal or state offense pertaining to antitrust 1000
violations, unfair trade practices, restraints of trade, or 1001
other similar offenses relating to the regulation of business 1002
practices; 1003

(2) Any misdemeanor offense punishable by a term of 1004

imprisonment of two years or less. 1005

(Q) "Alien registration number" means the number issued by 1006
the United States citizenship and immigration services agency 1007
that is located on the alien's permanent resident card and may 1008
also be commonly referred to as the "USCIS number" or the "alien 1009
number." 1010

(R) "Active duty" has the same meaning as defined in 10 1011
U.S.C. 101. 1012

Sec. 2923.121. (A) No person shall possess a firearm in 1013
any room in which any person is consuming beer or intoxicating 1014
liquor in a premises for which a D permit has been issued under 1015
Chapter 4303. of the Revised Code or in an open air arena for 1016
which a permit of that nature has been issued. 1017

(B) (1) This section does not apply to any of the 1018
following: 1019

(a) An officer, agent, or employee of this or any other 1020
state or the United States, or ~~to~~ a law enforcement officer, who 1021
is authorized to carry firearms and is acting within the scope 1022
of the officer's, agent's, or employee's duties; 1023

~~(b) Any person who is employed in this state, who is~~ 1024
~~authorized to carry firearms, and who is subject to and in~~ 1025
~~compliance with the requirements of section 109.801 of the~~ 1026
~~Revised Code, unless the appointing authority of the person has~~ 1027
~~expressly specified that the exemption provided in division (B)~~ 1028
~~(1) (b) of this section does not apply to the person; A law~~ 1029
enforcement officer or investigator who is authorized to carry 1030
firearms but is not acting within the scope of the officer's or 1031
investigator's duties, as long as all of the following apply: 1032

(i) The officer or investigator is carrying validating 1033

identification. 1034

(ii) If the firearm the officer or investigator possesses 1035
is a firearm issued or approved by the law enforcement agency 1036
served by the officer or by the bureau of criminal 1037
identification and investigation with respect to an 1038
investigator, the agency or bureau does not have a restrictive 1039
firearms carrying policy. 1040

(iii) The officer or investigator is not consuming beer or 1041
intoxicating liquor and is not under the influence of alcohol or 1042
a drug of abuse. 1043

(c) Any room used for the accommodation of guests of a 1044
hotel, as defined in section 4301.01 of the Revised Code; 1045

(d) The principal holder of a D permit issued for a 1046
premises or an open air arena under Chapter 4303. of the Revised 1047
Code while in the premises or open air arena for which the 1048
permit was issued if the principal holder of the D permit also 1049
possesses a valid concealed handgun license and as long as the 1050
principal holder is not consuming beer or intoxicating liquor or 1051
under the influence of alcohol or a drug of abuse, or any agent 1052
or employee of that holder who also is a peace officer, as 1053
defined in section 2151.3515 of the Revised Code, who is off 1054
duty, and who otherwise is authorized to carry firearms while in 1055
the course of the officer's official duties and while in the 1056
premises or open air arena for which the permit was issued and 1057
as long as the agent or employee of that holder is not consuming 1058
beer or intoxicating liquor or under the influence of alcohol or 1059
a drug of abuse. 1060

(e) Any person who is carrying a valid concealed handgun 1061
license or any person who is an active duty member of the armed 1062

forces of the United States and is carrying a valid military 1063
identification card and documentation of successful completion 1064
of firearms training that meets or exceeds the training 1065
requirements described in division (G) (1) of section 2923.125 of 1066
the Revised Code, as long as the person is not consuming beer or 1067
intoxicating liquor or under the influence of alcohol or a drug 1068
of abuse. 1069

(2) This section does not prohibit any person who is a 1070
member of a veteran's organization, as defined in section 1071
2915.01 of the Revised Code, from possessing a rifle in any room 1072
in any premises owned, leased, or otherwise under the control of 1073
the veteran's organization, if the rifle is not loaded with live 1074
ammunition and if the person otherwise is not prohibited by law 1075
from having the rifle. 1076

(3) This section does not apply to any person possessing 1077
or displaying firearms in any room used to exhibit unloaded 1078
firearms for sale or trade in a soldiers' memorial established 1079
pursuant to Chapter 345. of the Revised Code, in a convention 1080
center, or in any other public meeting place, if the person is 1081
an exhibitor, trader, purchaser, or seller of firearms and is 1082
not otherwise prohibited by law from possessing, trading, 1083
purchasing, or selling the firearms. 1084

(C) It is an affirmative defense to a charge under this 1085
section of illegal possession of a firearm in a liquor permit 1086
premises that involves the possession of a firearm other than a 1087
handgun, that the actor was not otherwise prohibited by law from 1088
having the firearm, and that any of the following apply: 1089

(1) The firearm was carried or kept ready at hand by the 1090
actor for defensive purposes, while the actor was engaged in or 1091
was going to or from the actor's lawful business or occupation, 1092

which business or occupation was of such character or was 1093
necessarily carried on in such manner or at such a time or place 1094
as to render the actor particularly susceptible to criminal 1095
attack, such as would justify a prudent person in going armed. 1096

(2) The firearm was carried or kept ready at hand by the 1097
actor for defensive purposes, while the actor was engaged in a 1098
lawful activity, and had reasonable cause to fear a criminal 1099
attack upon the actor or a member of the actor's family, or upon 1100
the actor's home, such as would justify a prudent person in 1101
going armed. 1102

(D) No person who is charged with a violation of this 1103
section shall be required to obtain a concealed handgun license 1104
as a condition for the dismissal of the charge. 1105

(E) Whoever violates this section is guilty of illegal 1106
possession of a firearm in a liquor permit premises. Except as 1107
otherwise provided in this division, illegal possession of a 1108
firearm in a liquor permit premises is a felony of the fifth 1109
degree. If the offender commits the violation of this section by 1110
knowingly carrying or having the firearm concealed on the 1111
offender's person or concealed ready at hand, illegal possession 1112
of a firearm in a liquor permit premises is a felony of the 1113
third degree. 1114

(F) As used in this section, ~~"beer"~~: 1115

(1) "Beer" and "intoxicating liquor" have the same 1116
meanings as in section 4301.01 of the Revised Code. 1117

(2) "Investigator" has the same meaning as in section 1118
109.541 of the Revised Code. 1119

(3) "Restrictive firearms carrying policy" means a 1120
specific policy of a law enforcement agency or the bureau of 1121

criminal identification and investigation that prohibits all 1122
officers of the agency or all investigators of the bureau, while 1123
not acting within the scope of the officer's or investigator's 1124
duties, from doing either of the following: 1125

(a) Carrying a firearm issued or approved by the agency or 1126
bureau in any room, premises, or arena described in division (A) 1127
of this section; 1128

(b) Carrying a firearm issued or approved by the agency or 1129
bureau in premises described in division (A) of section 1130
2923.1214 of the Revised Code. 1131

(4) "Law enforcement officer" has the same meaning as in 1132
section 9.69 of the Revised Code. 1133

(5) "Validating identification" means one of the 1134
following: 1135

(a) Photographic identification issued by the law 1136
enforcement agency for which an individual serves as a law 1137
enforcement officer that identifies the individual as a law 1138
enforcement officer of the agency; 1139

(b) Photographic identification issued by the bureau of 1140
criminal identification and investigation that identifies an 1141
individual as an investigator of the bureau. 1142

Sec. 2923.126. (A) A concealed handgun license that is 1143
issued under section 2923.125 of the Revised Code shall expire 1144
five years after the date of issuance. A licensee who has been 1145
issued a license under that section shall be granted a grace 1146
period of thirty days after the licensee's license expires 1147
during which the licensee's license remains valid. Except as 1148
provided in divisions (B) and (C) of this section, a licensee 1149
who has been issued a concealed handgun license under section 1150

2923.125 or 2923.1213 of the Revised Code may carry a concealed 1151
handgun anywhere in this state if the licensee also carries a 1152
valid license ~~and valid identification~~ when the licensee is in 1153
actual possession of a concealed handgun. The licensee shall 1154
give notice of any change in the licensee's residence address to 1155
the sheriff who issued the license within forty-five days after 1156
that change. 1157

If a licensee is the driver or an occupant of a motor 1158
vehicle that is stopped as the result of a traffic stop or a 1159
stop for another law enforcement purpose and if the licensee is 1160
transporting or has a loaded handgun in the motor vehicle at 1161
that time, the licensee shall promptly inform any law 1162
enforcement officer who approaches the vehicle while stopped 1163
that the licensee has been issued a concealed handgun license 1164
and that the licensee currently possesses or has a loaded 1165
handgun; the licensee shall not knowingly disregard or fail to 1166
comply with lawful orders of a law enforcement officer given 1167
while the motor vehicle is stopped, knowingly fail to remain in 1168
the motor vehicle while stopped, or knowingly fail to keep the 1169
licensee's hands in plain sight after any law enforcement 1170
officer begins approaching the licensee while stopped and before 1171
the officer leaves, unless directed otherwise by a law 1172
enforcement officer; and the licensee shall not knowingly have 1173
contact with the loaded handgun by touching it with the 1174
licensee's hands or fingers, in any manner in violation of 1175
division (E) of section 2923.16 of the Revised Code, after any 1176
law enforcement officer begins approaching the licensee while 1177
stopped and before the officer leaves. Additionally, if a 1178
licensee is the driver or an occupant of a commercial motor 1179
vehicle that is stopped by an employee of the motor carrier 1180
enforcement unit for the purposes defined in section 5503.34 of 1181

the Revised Code and ~~if~~ the licensee is transporting or has a 1182
loaded handgun in the commercial motor vehicle at that time, the 1183
licensee shall promptly inform the employee of the unit who 1184
approaches the vehicle while stopped that the licensee has been 1185
issued a concealed handgun license and that the licensee 1186
currently possesses or has a loaded handgun. 1187

If a licensee is stopped for a law enforcement purpose and 1188
if the licensee is carrying a concealed handgun at the time the 1189
officer approaches, the licensee shall promptly inform any law 1190
enforcement officer who approaches the licensee while stopped 1191
that the licensee has been issued a concealed handgun license 1192
and that the licensee currently is carrying a concealed handgun; 1193
the licensee shall not knowingly disregard or fail to comply 1194
with lawful orders of a law enforcement officer given while the 1195
licensee is stopped, or knowingly fail to keep the licensee's 1196
hands in plain sight after any law enforcement officer begins 1197
approaching the licensee while stopped and before the officer 1198
leaves, unless directed otherwise by a law enforcement officer; 1199
and the licensee shall not knowingly remove, attempt to remove, 1200
grasp, or hold the loaded handgun or knowingly have contact with 1201
the loaded handgun by touching it with the licensee's hands or 1202
fingers, in any manner in violation of division (B) of section 1203
2923.12 of the Revised Code, after any law enforcement officer 1204
begins approaching the licensee while stopped and before the 1205
officer leaves. 1206

(B) A valid concealed handgun license does not authorize 1207
the licensee to carry a concealed handgun in any manner 1208
prohibited under division (B) of section 2923.12 of the Revised 1209
Code or in any manner prohibited under section 2923.16 of the 1210
Revised Code. A valid license does not authorize the licensee to 1211
carry a concealed handgun into any of the following places: 1212

(1) A police station, sheriff's office, or state highway 1213
patrol station, premises controlled by the bureau of criminal 1214
identification and investigation; a state correctional 1215
institution, jail, workhouse, or other detention facility; any 1216
area of an airport passenger terminal that is beyond a passenger 1217
or property screening checkpoint or to which access is 1218
restricted through security measures by the airport authority or 1219
a public agency; or an institution that is maintained, operated, 1220
managed, and governed pursuant to division (A) of section 1221
5119.14 of the Revised Code or division (A) (1) of section 1222
5123.03 of the Revised Code; 1223

(2) A school safety zone if the licensee's carrying the 1224
concealed handgun is in violation of section 2923.122 of the 1225
Revised Code; 1226

(3) A courthouse or another building or structure in which 1227
a courtroom is located, if the licensee's carrying the concealed 1228
handgun is in violation of section 2923.123 of the Revised Code; 1229

(4) Any premises or open air arena for which a D permit 1230
has been issued under Chapter 4303. of the Revised Code if the 1231
licensee's carrying the concealed handgun is in violation of 1232
section 2923.121 of the Revised Code; 1233

(5) Any premises owned or leased by any public or private 1234
college, university, or other institution of higher education, 1235
unless the handgun is in a locked motor vehicle or the licensee 1236
is in the immediate process of placing the handgun in a locked 1237
motor vehicle or unless the licensee is carrying the concealed 1238
handgun pursuant to a written policy, rule, or other 1239
authorization that is adopted by the institution's board of 1240
trustees or other governing body and that authorizes specific 1241
individuals or classes of individuals to carry a concealed 1242

handgun on the premises; 1243

(6) Any church, synagogue, mosque, or other place of 1244
worship, unless the church, synagogue, mosque, or other place of 1245
worship posts or permits otherwise; 1246

(7) Any building that is a government facility of this 1247
state or a political subdivision of this state and that is not a 1248
building that is used primarily as a shelter, restroom, parking 1249
facility for motor vehicles, or rest facility and is not a 1250
courthouse or other building or structure in which a courtroom 1251
is located that is subject to division (B)(3) of this section, 1252
unless the governing body with authority over the building has 1253
enacted a statute, ordinance, or policy that permits a licensee 1254
to carry a concealed handgun into the building; 1255

(8) A place in which federal law prohibits the carrying of 1256
handguns. 1257

(C)(1) Nothing in this section shall negate or restrict a 1258
rule, policy, or practice of a private employer that is not a 1259
private college, university, or other institution of higher 1260
education concerning or prohibiting the presence of firearms on 1261
the private employer's premises or property, including motor 1262
vehicles owned by the private employer. Nothing in this section 1263
shall require a private employer of that nature to adopt a rule, 1264
policy, or practice concerning or prohibiting the presence of 1265
firearms on the private employer's premises or property, 1266
including motor vehicles owned by the private employer. 1267

(2)(a) A private employer shall be immune from liability 1268
in a civil action for any injury, death, or loss to person or 1269
property that allegedly was caused by or related to a licensee 1270
bringing a handgun onto the premises or property of the private 1271

employer, including motor vehicles owned by the private 1272
employer, unless the private employer acted with malicious 1273
purpose. A private employer is immune from liability in a civil 1274
action for any injury, death, or loss to person or property that 1275
allegedly was caused by or related to the private employer's 1276
decision to permit a licensee to bring, or prohibit a licensee 1277
from bringing, a handgun onto the premises or property of the 1278
private employer. 1279

(b) A political subdivision shall be immune from liability 1280
in a civil action, to the extent and in the manner provided in 1281
Chapter 2744. of the Revised Code, for any injury, death, or 1282
loss to person or property that allegedly was caused by or 1283
related to a licensee bringing a handgun onto any premises or 1284
property owned, leased, or otherwise under the control of the 1285
political subdivision. As used in this division, "political 1286
subdivision" has the same meaning as in section 2744.01 of the 1287
Revised Code. 1288

(c) An institution of higher education shall be immune 1289
from liability in a civil action for any injury, death, or loss 1290
to person or property that allegedly was caused by or related to 1291
a licensee bringing a handgun onto the premises of the 1292
institution, including motor vehicles owned by the institution, 1293
unless the institution acted with malicious purpose. An 1294
institution of higher education is immune from liability in a 1295
civil action for any injury, death, or loss to person or 1296
property that allegedly was caused by or related to the 1297
institution's decision to permit a licensee or class of 1298
licensees to bring a handgun onto the premises of the 1299
institution. 1300

(3) (a) Except as provided in division (C) (3) (b) of this 1301

section and section 2923.1214 of the Revised Code, the owner or 1302
person in control of private land or premises, and a private 1303
person or entity leasing land or premises owned by the state, 1304
the United States, or a political subdivision of the state or 1305
the United States, may post a sign in a conspicuous location on 1306
that land or on those premises prohibiting persons from carrying 1307
firearms or concealed firearms on or onto that land or those 1308
premises. Except as otherwise provided in this division, a 1309
person who knowingly violates a posted prohibition of that 1310
nature is guilty of criminal trespass in violation of division 1311
(A) (4) of section 2911.21 of the Revised Code and is guilty of a 1312
misdemeanor of the fourth degree. If a person knowingly violates 1313
a posted prohibition of that nature and the posted land or 1314
premises primarily was a parking lot or other parking facility, 1315
the person is not guilty of criminal trespass under section 1316
2911.21 of the Revised Code or under any other criminal law of 1317
this state or criminal law, ordinance, or resolution of a 1318
political subdivision of this state, and instead is subject only 1319
to a civil cause of action for trespass based on the violation. 1320

If a person knowingly violates a posted prohibition of the 1321
nature described in this division and the posted land or 1322
premises is a child day-care center, type A family day-care 1323
home, or type B family day-care home, unless the person is a 1324
licensee who resides in a type A family day-care home or type B 1325
family day-care home, the person is guilty of aggravated 1326
trespass in violation of section 2911.211 of the Revised Code. 1327
Except as otherwise provided in this division, the offender is 1328
guilty of a misdemeanor of the first degree. If the person 1329
previously has been convicted of a violation of this division or 1330
of any offense of violence, if the weapon involved is a firearm 1331
that is either loaded or for which the offender has ammunition 1332

ready at hand, or if the weapon involved is dangerous ordnance, 1333
the offender is guilty of a felony of the fourth degree. 1334

(b) A landlord may not prohibit or restrict a tenant who 1335
is a licensee and who on or after September 9, 2008, enters into 1336
a rental agreement with the landlord for the use of residential 1337
premises, and the tenant's guest while the tenant is present, 1338
from lawfully carrying or possessing a handgun on those 1339
residential premises. 1340

(c) As used in division (C) (3) of this section: 1341

(i) "Residential premises" has the same meaning as in 1342
section 5321.01 of the Revised Code, except "residential 1343
premises" does not include a dwelling unit that is owned or 1344
operated by a college or university. 1345

(ii) "Landlord," "tenant," and "rental agreement" have the 1346
same meanings as in section 5321.01 of the Revised Code. 1347

(D) A person who holds a valid concealed handgun license 1348
issued by another state that is recognized by the attorney 1349
general pursuant to a reciprocity agreement entered into 1350
pursuant to section 109.69 of the Revised Code or a person who 1351
holds a valid concealed handgun license under the circumstances 1352
described in division (B) of section 109.69 of the Revised Code 1353
has the same right to carry a concealed handgun in this state as 1354
a person who was issued a concealed handgun license under 1355
section 2923.125 of the Revised Code and is subject to the same 1356
restrictions that apply to a person who carries a license issued 1357
under that section. 1358

(E) (1) A peace officer has the same right to carry a 1359
concealed handgun in this state as a person who was issued a 1360
concealed handgun license under section 2923.125 of the Revised 1361

Code, provided that the officer when carrying a concealed 1362
handgun under authority of this division is carrying validating 1363
identification. For purposes of reciprocity with other states, a 1364
peace officer shall be considered to be a licensee in this 1365
state. 1366

(2) An active duty member of the armed forces of the 1367
United States who is carrying a valid military identification 1368
card and documentation of successful completion of firearms 1369
training that meets or exceeds the training requirements 1370
described in division (G) (1) of section 2923.125 of the Revised 1371
Code has the same right to carry a concealed handgun in this 1372
state as a person who was issued a concealed handgun license 1373
under section 2923.125 of the Revised Code and is subject to the 1374
same restrictions as specified in this section. 1375

(F) (1) A qualified retired peace officer who possesses a 1376
retired peace officer identification card issued pursuant to 1377
division (F) (2) of this section and a valid firearms 1378
requalification certification issued pursuant to division (F) (3) 1379
of this section has the same right to carry a concealed handgun 1380
in this state as a person who was issued a concealed handgun 1381
license under section 2923.125 of the Revised Code and is 1382
subject to the same restrictions that apply to a person who 1383
carries a license issued under that section. For purposes of 1384
reciprocity with other states, a qualified retired peace officer 1385
who possesses a retired peace officer identification card issued 1386
pursuant to division (F) (2) of this section and a valid firearms 1387
requalification certification issued pursuant to division (F) (3) 1388
of this section shall be considered to be a licensee in this 1389
state. 1390

(2) (a) Each public agency of this state or of a political 1391

subdivision of this state that is served by one or more peace 1392
officers shall issue a retired peace officer identification card 1393
to any person who retired from service as a peace officer with 1394
that agency, if the issuance is in accordance with the agency's 1395
policies and procedures and if the person, with respect to the 1396
person's service with that agency, satisfies all of the 1397
following: 1398

(i) The person retired in good standing from service as a 1399
peace officer with the public agency, and the retirement was not 1400
for reasons of mental instability. 1401

(ii) Before retiring from service as a peace officer with 1402
that agency, the person was authorized to engage in or supervise 1403
the prevention, detection, investigation, or prosecution of, or 1404
the incarceration of any person for, any violation of law and 1405
the person had statutory powers of arrest. 1406

(iii) At the time of the person's retirement as a peace 1407
officer with that agency, the person was trained and qualified 1408
to carry firearms in the performance of the peace officer's 1409
duties. 1410

(iv) Before retiring from service as a peace officer with 1411
that agency, the person was regularly employed as a peace 1412
officer for an aggregate of fifteen years or more, or, in the 1413
alternative, the person retired from service as a peace officer 1414
with that agency, after completing any applicable probationary 1415
period of that service, due to a service-connected disability, 1416
as determined by the agency. 1417

(b) A retired peace officer identification card issued to 1418
a person under division (F)(2)(a) of this section shall identify 1419
the person by name, contain a photograph of the person, identify 1420

the public agency of this state or of the political subdivision 1421
of this state from which the person retired as a peace officer 1422
and that is issuing the identification card, and specify that 1423
the person retired in good standing from service as a peace 1424
officer with the issuing public agency and satisfies the 1425
criteria set forth in divisions (F) (2) (a) (i) to (iv) of this 1426
section. In addition to the required content specified in this 1427
division, a retired peace officer identification card issued to 1428
a person under division (F) (2) (a) of this section may include 1429
the firearms requalification certification described in division 1430
(F) (3) of this section, and if the identification card includes 1431
that certification, the identification card shall serve as the 1432
firearms requalification certification for the retired peace 1433
officer. If the issuing public agency issues credentials to 1434
active law enforcement officers who serve the agency, the agency 1435
may comply with division (F) (2) (a) of this section by issuing 1436
the same credentials to persons who retired from service as a 1437
peace officer with the agency and who satisfy the criteria set 1438
forth in divisions (F) (2) (a) (i) to (iv) of this section, 1439
provided that the credentials so issued to retired peace 1440
officers are stamped with the word "RETIRED." 1441

(c) A public agency of this state or of a political 1442
subdivision of this state may charge persons who retired from 1443
service as a peace officer with the agency a reasonable fee for 1444
issuing to the person a retired peace officer identification 1445
card pursuant to division (F) (2) (a) of this section. 1446

(3) If a person retired from service as a peace officer 1447
with a public agency of this state or of a political subdivision 1448
of this state and the person satisfies the criteria set forth in 1449
divisions (F) (2) (a) (i) to (iv) of this section, the public 1450
agency may provide the retired peace officer with the 1451

opportunity to attend a firearms requalification program that is 1452
approved for purposes of firearms requalification required under 1453
section 109.801 of the Revised Code. The retired peace officer 1454
may be required to pay the cost of the course. 1455

If a retired peace officer who satisfies the criteria set 1456
forth in divisions (F)(2)(a)(i) to (iv) of this section attends 1457
a firearms requalification program that is approved for purposes 1458
of firearms requalification required under section 109.801 of 1459
the Revised Code, the retired peace officer's successful 1460
completion of the firearms requalification program requalifies 1461
the retired peace officer for purposes of division (F) of this 1462
section for five years from the date on which the program was 1463
successfully completed, and the requalification is valid during 1464
that five-year period. If a retired peace officer who satisfies 1465
the criteria set forth in divisions (F)(2)(a)(i) to (iv) of this 1466
section satisfactorily completes such a firearms requalification 1467
program, the retired peace officer shall be issued a firearms 1468
requalification certification that identifies the retired peace 1469
officer by name, identifies the entity that taught the program, 1470
specifies that the retired peace officer successfully completed 1471
the program, specifies the date on which the course was 1472
successfully completed, and specifies that the requalification 1473
is valid for five years from that date of successful completion. 1474
The firearms requalification certification for a retired peace 1475
officer may be included in the retired peace officer 1476
identification card issued to the retired peace officer under 1477
division (F)(2) of this section. 1478

A retired peace officer who attends a firearms 1479
requalification program that is approved for purposes of 1480
firearms requalification required under section 109.801 of the 1481
Revised Code may be required to pay the cost of the program. 1482

(G) As used in this section:	1483
(1) "Qualified retired peace officer" means a person who satisfies all of the following:	1484 1485
(a) The person satisfies the criteria set forth in divisions (F) (2) (a) (i) to (v) of this section.	1486 1487
(b) The person is not under the influence of alcohol or another intoxicating or hallucinatory drug or substance.	1488 1489
(c) The person is not prohibited by federal law from receiving firearms.	1490 1491
(2) "Retired peace officer identification card" means an identification card that is issued pursuant to division (F) (2) of this section to a person who is a retired peace officer.	1492 1493 1494
(3) "Government facility of this state or a political subdivision of this state" means any of the following:	1495 1496
(a) A building or part of a building that is owned or leased by the government of this state or a political subdivision of this state and where employees of the government of this state or the political subdivision regularly are present for the purpose of performing their official duties as employees of the state or political subdivision;	1497 1498 1499 1500 1501 1502
(b) The office of a deputy registrar serving pursuant to Chapter 4503. of the Revised Code that is used to perform deputy registrar functions.	1503 1504 1505
(4) "Governing body" has the same meaning as in section 154.01 of the Revised Code.	1506 1507
(5) <u>"Validating identification" means photographic identification issued by the agency for which an individual</u>	1508 1509

serves as a peace officer that identifies the individual as a 1510
peace officer of the agency. 1511

Sec. 2923.129. (A) (1) If a sheriff, the superintendent of 1512
the bureau of criminal identification and investigation, the 1513
employees of the bureau, the Ohio peace officer training 1514
commission, or the employees of the commission make a good faith 1515
effort in performing the duties imposed upon the sheriff, the 1516
superintendent, the bureau's employees, the commission, or the 1517
commission's employees by sections 109.731, 311.41, and 2923.124 1518
to 2923.1213 of the Revised Code, in addition to the personal 1519
immunity provided by section 9.86 of the Revised Code or 1520
division (A) (6) of section 2744.03 of the Revised Code and the 1521
governmental immunity of sections 2744.02 and 2744.03 of the 1522
Revised Code and in addition to any other immunity possessed by 1523
the bureau, the commission, and their employees, the sheriff, 1524
the sheriff's office, the county in which the sheriff has 1525
jurisdiction, the bureau, the superintendent of the bureau, the 1526
bureau's employees, the commission, and the commission's 1527
employees are immune from liability in a civil action for 1528
injury, death, or loss to person or property that allegedly was 1529
caused by or related to any of the following: 1530

(a) The issuance, renewal, suspension, or revocation of a 1531
concealed handgun license; 1532

(b) The failure to issue, renew, suspend, or revoke a 1533
concealed handgun license; 1534

(c) Any action or misconduct with a handgun committed by a 1535
licensee. 1536

(2) Any action of a sheriff relating to the issuance, 1537
renewal, suspension, or revocation of a concealed handgun 1538

license shall be considered to be a governmental function for 1539
purposes of Chapter 2744. of the Revised Code. 1540

(3) An entity that or instructor who provides a competency 1541
certification of a type described in division (B)(3) of section 1542
2923.125 of the Revised Code is immune from civil liability that 1543
might otherwise be incurred or imposed for any death or any 1544
injury or loss to person or property that is caused by or 1545
related to a person to whom the entity or instructor has issued 1546
the competency certificate if all of the following apply: 1547

(a) The alleged liability of the entity or instructor 1548
relates to the training provided in the course, class, or 1549
program covered by the competency certificate. 1550

(b) The entity or instructor makes a good faith effort in 1551
determining whether the person has satisfactorily completed the 1552
course, class, or program and makes a good faith effort in 1553
assessing the person in the competency examination conducted 1554
pursuant to division (G)(2) of section 2923.125 of the Revised 1555
Code. 1556

(c) The entity or instructor did not issue the competency 1557
certificate with malicious purpose, in bad faith, or in a wanton 1558
or reckless manner. 1559

(4) An entity that or instructor who, prior to March 27, 1560
2013, provides a renewed competency certification of a type 1561
described in division (G)(4) of section 2923.125 of the Revised 1562
Code as it existed prior to March 27, 2013, is immune from civil 1563
liability that might otherwise be incurred or imposed for any 1564
death or any injury or loss to person or property that is caused 1565
by or related to a person to whom the entity or instructor has 1566
issued the renewed competency certificate if all of the 1567

following apply: 1568

(a) The entity or instructor makes a good faith effort in 1569
assessing the person in the physical demonstrations or the 1570
competency examination conducted pursuant to division (G) (4) of 1571
section 2923.125 of the Revised Code as it existed prior to 1572
March 27, 2013. 1573

(b) The entity or instructor did not issue the renewed 1574
competency certificate with malicious purpose, in bad faith, or 1575
in a wanton or reckless manner. 1576

~~(5) A law enforcement agency that employs a peace officer 1577
is immune from liability in a civil action to recover damages 1578
for injury, death, or loss to person or property allegedly 1579
caused by any act of that peace officer if the act occurred 1580
while the peace officer carried a concealed handgun and was off 1581
duty and if the act allegedly involved the peace officer's use 1582
of the concealed handgun. Sections 9.86 and 9.87, and Chapter 1583
2744., of the Revised Code apply to any civil action involving a 1584
peace officer's use of a concealed handgun in the performance of 1585
the peace officer's official duties while the peace officer is 1586
off duty. 1587~~

(B) Notwithstanding section 149.43 of the Revised Code, 1588
the records that a sheriff keeps relative to the issuance, 1589
renewal, suspension, or revocation of a concealed handgun 1590
license, including, but not limited to, completed applications 1591
for the issuance or renewal of a license, completed affidavits 1592
submitted regarding an application for a license on a temporary 1593
emergency basis, reports of criminal records checks and 1594
incompetency records checks under section 311.41 of the Revised 1595
Code, and applicants' social security numbers and fingerprints 1596
that are obtained under division (A) of section 311.41 of the 1597

Revised Code, are confidential and are not public records. No 1598
person shall release or otherwise disseminate records that are 1599
confidential under this division unless required to do so 1600
pursuant to a court order. 1601

(C) Each sheriff shall report to the Ohio peace officer 1602
training commission the number of concealed handgun licenses 1603
that the sheriff issued, renewed, suspended, revoked, or denied 1604
under section 2923.125 of the Revised Code during the previous 1605
quarter of the calendar year, the number of applications for 1606
those licenses for which processing was suspended in accordance 1607
with division (D) (3) of section 2923.125 of the Revised Code 1608
during the previous quarter of the calendar year, and the number 1609
of concealed handgun licenses on a temporary emergency basis 1610
that the sheriff issued, suspended, revoked, or denied under 1611
section 2923.1213 of the Revised Code during the previous 1612
quarter of the calendar year. The sheriff shall not include in 1613
the report the name or any other identifying information of an 1614
applicant or licensee. The sheriff shall report that information 1615
in a manner that permits the commission to maintain the 1616
statistics described in division (C) of section 109.731 of the 1617
Revised Code and to timely prepare the statistical report 1618
described in that division. The information that is received by 1619
the commission under this division is a public record kept by 1620
the commission for the purposes of section 149.43 of the Revised 1621
Code. 1622

(D) Law enforcement agencies may use the information a 1623
sheriff makes available through the use of the law enforcement 1624
automated data system pursuant to division (H) of section 1625
2923.125 or division (B) (2) or (D) of section 2923.1213 of the 1626
Revised Code for law enforcement purposes only. The information 1627
is confidential and is not a public record. Except as provided 1628

in section 5503.101 of the Revised Code, a person who releases 1629
or otherwise disseminates this information obtained through the 1630
law enforcement automated data system in a manner not described 1631
in this division is guilty of a violation of section 2913.04 of 1632
the Revised Code. 1633

(E) Whoever violates division (B) of this section is 1634
guilty of illegal release of confidential concealed handgun 1635
license records, a felony of the fifth degree. In addition to 1636
any penalties imposed under Chapter 2929. of the Revised Code 1637
for a violation of division (B) of this section or a violation 1638
of section 2913.04 of the Revised Code described in division (D) 1639
of this section, if the offender is a sheriff, an employee of a 1640
sheriff, or any other public officer or employee, and if the 1641
violation was willful and deliberate, the offender shall be 1642
subject to a civil fine of one thousand dollars. Any person who 1643
is harmed by a violation of division (B) or (C) of this section 1644
or a violation of section 2913.04 of the Revised Code described 1645
in division (D) of this section has a private cause of action 1646
against the offender for any injury, death, or loss to person or 1647
property that is a proximate result of the violation and may 1648
recover court costs and attorney's fees related to the action. 1649

Sec. 2923.1212. ~~(A) The following persons, boards, and~~ 1650
~~entities, or designees, Each person, board, or entity that owns~~ 1651
~~or controls any place or premises identified in division (B) of~~ 1652
~~section 2923.126 of the Revised Code as a place into which a~~ 1653
~~valid license does not authorize the licensee to carry a~~ 1654
~~concealed handgun, or a designee of such a person, board, or~~ 1655
~~entity, shall post in the following one or more conspicuous~~ 1656
~~locations in the premises~~ a sign that contains a statement in 1657
substantially the following form: "Unless otherwise authorized 1658
by law, pursuant to the Ohio Revised Code, no person shall 1659

knowingly possess, have under the person's control, convey, or 1660
attempt to convey a deadly weapon or dangerous ordnance onto 1661
these premises."— 1662

~~(1) The director of public safety or the person or board— 1663
charged with the erection, maintenance, or repair of police— 1664
stations, municipal jails, and the municipal courthouse and— 1665
courtrooms in a conspicuous location at all police stations, 1666
municipal jails, and municipal courthouses and courtrooms; 1667~~

~~(2) The sheriff or sheriff's designee who has charge of— 1668
the sheriff's office in a conspicuous location in that office; 1669~~

~~(3) The superintendent of the state highway patrol or the— 1670
superintendent's designee in a conspicuous location at all state— 1671
highway patrol stations; 1672~~

~~(4) Each sheriff, chief of police, or person in charge of— 1673
every county, multicounty, municipal, municipal county, or— 1674
multicounty municipal jail or workhouse, community-based— 1675
correctional facility, halfway house, alternative residential— 1676
facility, or other local or state correctional institution or— 1677
detention facility within the state, or that person's designee, 1678
in a conspicuous location at that facility under that person's— 1679
charge; 1680~~

~~(5) The board of trustees of a regional airport authority, 1681
chief administrative officer of an airport facility, or other 1682
person in charge of an airport facility in a conspicuous— 1683
location at each airport facility under that person's control; 1684~~

~~(6) The officer or officer's designee who has charge of a— 1685
courthouse or the building or structure in which a courtroom is— 1686
located in a conspicuous location in that building or structure; 1687~~

~~(7) The superintendent of the bureau of criminal— 1688~~

~~identification and investigation or the superintendent's~~ 1689
~~designee in a conspicuous location in all premises controlled by~~ 1690
~~that bureau;~~ 1691

~~(8) The owner, administrator, or operator of a child day-~~ 1692
~~care center, a type A family day care home, or a type B family~~ 1693
~~day care home;~~ 1694

~~(9) The officer of this state or of a political~~ 1695
~~subdivision of this state, or the officer's designee, who has~~ 1696
~~charge of a building that is a government facility of this state~~ 1697
~~or the political subdivision of this state, as defined in~~ 1698
~~section 2923.126 of the Revised Code, and that is not a building~~ 1699
~~that is used primarily as a shelter, restroom, parking facility~~ 1700
~~for motor vehicles, or rest facility and is not a courthouse or~~ 1701
~~other building or structure in which a courtroom is located that~~ 1702
~~is subject to division (B) (3) of that section.~~ 1703

~~(B) The following boards, bodies, and persons, or~~ 1704
~~designees, shall post in the following locations a sign that~~ 1705
~~contains a statement in substantially the following form:~~ 1706
~~"Unless otherwise authorized by law, pursuant to Ohio Revised~~ 1707
~~Code section 2923.122, no person shall knowingly possess, have~~ 1708
~~under the person's control, convey, or attempt to convey a~~ 1709
~~deadly weapon or dangerous ordnance into a school safety zone."~~ 1710

~~(1) A board of education of a city, local, exempted~~ 1711
~~village, or joint vocational school district or that board's~~ 1712
~~designee in a conspicuous location in each building and on each~~ 1713
~~parcel of real property owned or controlled by the board;~~ 1714

~~(2) A governing body of a school for which the state board~~ 1715
~~of education prescribes minimum standards under section 3301.07~~ 1716
~~of the Revised Code or that body's designee in a conspicuous~~ 1717

~~location in each building and on each parcel of real property~~ 1718
~~owned or controlled by the school;~~ 1719

~~(3) The principal or chief administrative officer of a~~ 1720
~~nonpublic school in a conspicuous location on property owned or~~ 1721
~~controlled by that nonpublic school.~~ 1722

Sec. 2923.1214. (A) Subject to division (B) of this 1723
section, an establishment serving the public may not prohibit or 1724
restrict a law enforcement officer or investigator who is 1725
carrying validating identification from carrying a weapon on the 1726
premises that the officer or investigator is authorized to 1727
carry, regardless of whether the officer or investigator is 1728
acting within the scope of that officer's or investigator's 1729
duties while carrying the weapon. 1730

(B) Division (A) of this section does not apply with 1731
respect to a law enforcement officer's or investigator's 1732
carrying of a weapon on the premises of an establishment serving 1733
the public if the officer or investigator is not acting within 1734
the scope of the officer's or investigator's duties, the weapon 1735
is a firearm issued or approved by the law enforcement agency 1736
served by the officer or by the bureau of criminal 1737
identification and investigation with respect to an 1738
investigator, and the agency or bureau has a restrictive 1739
firearms carrying policy. 1740

(C) (1) Subject to division (C) (2) of this section, the 1741
owner of an establishment serving the public, the operator of an 1742
establishment serving the public, and the employer of persons 1743
employed at an establishment serving the public shall be immune 1744
from liability in a civil action for injury, death, or loss to 1745
person or property that allegedly was caused by or related to a 1746
law enforcement officer or investigator bringing a weapon into 1747

the establishment or onto the premises of the establishment. 1748

(2) The immunity provided in division (C)(1) of this 1749
section is not available to an owner, operator, or employer of 1750
an establishment serving the public with respect to injury, 1751
death, or loss to person or property of the type described in 1752
that division if the owner, operator, or employer engaged in an 1753
act or omission that contributed to the injury, death, or loss 1754
and the owner's, operator's, or employer's act or omission was 1755
with malicious purpose, in bad faith, or in a wanton or reckless 1756
manner. 1757

(D) As used in this section: 1758

(1) "Establishment serving the public" means a hotel, a 1759
restaurant or other place where food is regularly offered for 1760
sale, a retail business or other commercial establishment or 1761
office building that is open to the public, a sports venue, or 1762
any other place of public accommodation, amusement, or resort 1763
that is open to the public. 1764

(2) "Hotel" has the same meaning as in section 3731.01 of 1765
the Revised Code. 1766

(3) "Sports venue" means any arena, stadium, or other 1767
facility that is used primarily as a venue for sporting and 1768
athletic events for which admission is charged. 1769

(4) "Investigator" has the same meaning as in section 1770
109.541 of the Revised Code. 1771

(5) "Restrictive firearm carrying policy" and "validating 1772
identification" have the same meanings as in section 2923.121 of 1773
the Revised Code. 1774

(6) "Law enforcement officer" has the same meaning as in 1775

section 9.69 of the Revised Code. 1776

Sec. 2923.18. (A) Upon application to the sheriff of the 1777
county or safety director or police chief of the municipality 1778
where the applicant resides or has ~~his~~ the applicant's principal 1779
place of business, and upon payment of the fee specified in 1780
division (B) of this section, a license or temporary permit 1781
shall be issued to qualified applicants to acquire, possess, 1782
carry, or use dangerous ordnance, for the following purposes: 1783

(1) Contractors, wreckers, ~~quarrymen~~ quarriers, mine 1784
operators, and other persons regularly employing explosives in 1785
the course of a legitimate business, with respect to explosives 1786
and explosive devices acquired, possessed, carried, or used in 1787
the course of such business; 1788

(2) Farmers, with respect to explosives and explosive 1789
devices acquired, possessed, carried, or used for agricultural 1790
purposes on lands farmed by them; 1791

(3) Scientists, engineers, and instructors, with respect 1792
to dangerous ordnance acquired, possessed, carried, or used in 1793
the course of bona fide research or instruction; 1794

(4) Financial institution and armored car company guards, 1795
with respect to automatic firearms lawfully acquired, possessed, 1796
carried, or used by any such person while acting within the 1797
scope of ~~his~~ the person's duties; 1798

(5) In the discretion of the issuing authority, any 1799
responsible person, with respect to dangerous ordnance lawfully 1800
acquired, possessed, carried, or used for a legitimate research, 1801
scientific, educational, industrial, or other proper purpose. 1802

(B) Application for a license or temporary permit under 1803
this section shall be in writing under oath to the sheriff of 1804

the county or safety director or police chief of the 1805
municipality where the applicant resides or has ~~his~~ the 1806
applicant's principal place of business. The application shall 1807
be accompanied by an application fee of fifty dollars when the 1808
application is for a license, and an application fee of five 1809
dollars when the application is for a temporary permit. The fees 1810
shall be paid into the general revenue fund of the county or 1811
municipality. The application shall contain the following 1812
information: 1813

(1) The name, age, address, occupation, and business 1814
address of the applicant, if ~~he~~ the applicant is a natural 1815
person, or the name, address, and principal place of business of 1816
the applicant, if the applicant is a corporation; 1817

(2) A description of the dangerous ordnance for which a 1818
permit is requested; 1819

(3) A description of the place or places where and the 1820
manner in which the dangerous ordnance is to be kept, carried, 1821
and used; 1822

(4) A statement of the purposes for which the dangerous 1823
ordnance is to be acquired, possessed, carried, or used; 1824

(5) Such other information, as the issuing authority may 1825
require in giving effect to this section. 1826

(C) Upon investigation, the issuing authority shall issue 1827
a license or temporary permit only if all of the following 1828
apply: 1829

(1) The applicant is not otherwise prohibited by law from 1830
acquiring, having, carrying or using dangerous ordnance; 1831

(2) The applicant is age twenty-one or over, if ~~he~~ the 1832

applicant is a natural person; 1833

(3) It appears that the applicant has sufficient 1834
competence to safely acquire, possess, carry, or use the 1835
dangerous ordnance, and that proper precautions will be taken to 1836
protect the security of the dangerous ordnance and ensure the 1837
safety of persons and property; 1838

(4) It appears that the dangerous ordnance will be 1839
lawfully acquired, possessed, carried, and used by the applicant 1840
for a legitimate purpose. 1841

(D) The license or temporary permit shall identify the 1842
person to whom it is issued, identify the dangerous ordnance 1843
involved and state the purposes for which the license or 1844
temporary permit is issued, state the expiration date, if any, 1845
and list such restrictions on the acquisition, possession, 1846
carriage, or use of the dangerous ordnance as the issuing 1847
authority considers advisable to protect the security of the 1848
dangerous ordnance and ensure the safety of persons and 1849
property. 1850

(E) A temporary permit shall be issued for the casual use 1851
of explosives and explosive devices, and other consumable 1852
dangerous ordnance, and shall expire within thirty days of its 1853
issuance. A license shall be issued for the regular use of 1854
consumable dangerous ordnance, or for any ~~nonconsumable~~ 1855
nonconsumable dangerous ordnance, which license need not specify 1856
an expiration date, but the issuing authority may specify such 1857
expiration date, not earlier than one year from the date of 1858
issuance, as it considers advisable in view of the nature of the 1859
dangerous ordnance and the purposes for which the license is 1860
issued. 1861

(F) The dangerous ordnance specified in a license or 1862
temporary permit may be obtained by the holder anywhere in the 1863
state. The holder of a license may use such dangerous ordnance 1864
anywhere in the state. The holder of a temporary permit may use 1865
such dangerous ordnance only within the territorial jurisdiction 1866
of the issuing authority. 1867

(G) The issuing authority shall forward to the state fire 1868
marshal a copy of each license or temporary permit issued 1869
pursuant to this section, and a copy of each record of a 1870
transaction in dangerous ordnance and of each report of lost or 1871
stolen dangerous ordnance, given to the local law enforcement 1872
authority as required by divisions (A) ~~(4)-(7)~~ and ~~(5)-(8)~~ of 1873
section 2923.20 of the Revised Code. The state fire marshal 1874
shall keep a permanent file of all licenses and temporary 1875
permits issued pursuant to this section, and of all records of 1876
transactions in, and losses or thefts of dangerous ordnance 1877
forwarded by local law enforcement authorities pursuant to this 1878
section. 1879

Sec. 2923.20. (A) No person shall do any of the following: 1880

(1) Recklessly sell, lend, give, or furnish any firearm to 1881
any person prohibited by section 2923.13 or 2923.15 of the 1882
Revised Code from acquiring or using any firearm, or recklessly 1883
sell, lend, give, or furnish any dangerous ordnance to any 1884
person prohibited by section 2923.13, 2923.15, or 2923.17 of the 1885
Revised Code from acquiring or using any dangerous ordnance; 1886

(2) Possess any firearm or dangerous ordnance with purpose 1887
to dispose of it in violation of division (A) of this section; 1888

(3) Except as otherwise provided in division (B) of this 1889
section, knowingly solicit, persuade, encourage, or entice a 1890

federally licensed firearms dealer or private seller to transfer 1891
a firearm or ammunition to any person in a manner prohibited by 1892
state or federal law; 1893

(4) Except as otherwise provided in division (B) of this 1894
section, with an intent to deceive, knowingly provide materially 1895
false information to a federally licensed firearms dealer or 1896
private seller; 1897

(5) Except as otherwise provided in division (B) of this 1898
section, knowingly procure, solicit, persuade, encourage, or 1899
entice a person to act in violation of division (A) (3) or (4) of 1900
this section; 1901

(6) Manufacture, possess for sale, sell, or furnish to any 1902
person other than a law enforcement agency for authorized use in 1903
police work, any brass knuckles, cestus, billy, blackjack, 1904
sandbag, switchblade knife, springblade knife, gravity knife, or 1905
similar weapon; 1906

~~(4)~~ (7) When transferring any dangerous ordnance to 1907
another, negligently fail to require the transferee to exhibit 1908
such identification, license, or permit showing ~~him~~ the 1909
transferee to be authorized to acquire dangerous ordnance 1910
pursuant to section 2923.17 of the Revised Code, or negligently 1911
fail to take a complete record of the transaction and forthwith 1912
forward a copy of that record to the sheriff of the county or 1913
safety director or police chief of the municipality where the 1914
transaction takes place; 1915

~~(5)~~ (8) Knowingly fail to report to law enforcement 1916
authorities forthwith the loss or theft of any firearm or 1917
dangerous ordnance in the person's possession or under the 1918
person's control. 1919

(B) Divisions (A) (3), (4), and (5) of this section do not 1920
apply to any of the following: 1921

(1) A law enforcement officer who is acting within the 1922
scope of the officer's duties; 1923

(2) A person who is acting in accordance with directions 1924
given by a law enforcement officer described in division (B) (1) 1925
of this section. 1926

(C) Whoever violates this section is guilty of unlawful 1927
transactions in weapons. A violation of division (A) (1) or (2) 1928
of this section is a felony of the fourth degree. A violation of 1929
division (A) (3), (4), or (5) of this section is a felony of the 1930
third degree. A violation of division (A) ~~(3)~~ ~~(6)~~ or ~~(4)~~ ~~(7)~~ of 1931
this section is a misdemeanor of the second degree. A violation 1932
of division (A) ~~(5)~~ ~~(8)~~ of this section is a misdemeanor of the 1933
fourth degree. 1934

(D) As used in this section: 1935

(1) "Ammunition" has the same meaning as in section 1936
2305.401 of the Revised Code. 1937

(2) "Federally licensed firearms dealer" has the same 1938
meaning as in section 5502.63 of the Revised Code. 1939

(3) "Materially false information" means information 1940
regarding the transfer of a firearm or ammunition that portrays 1941
an illegal transaction as legal or a legal transaction as 1942
illegal. 1943

(4) "Private seller" means a person who sells, offers for 1944
sale, or transfers a firearm or ammunition and who is not a 1945
federally licensed firearms dealer. 1946

Sec. 2953.37. (A) As used in this section: 1947

(1) "Expunge" means to destroy, delete, and erase a record 1948
as appropriate for the record's physical or electronic form or 1949
characteristic so that the record is permanently irretrievable. 1950

(2) "Official records" has the same meaning as in section 1951
2953.51 of the Revised Code. 1952

(3) "Prosecutor" has the same meaning as in section 1953
2953.31 of the Revised Code. 1954

(4) "Record of conviction" means the record related to a 1955
conviction of or plea of guilty to an offense. 1956

(B) Any person who is convicted of, was convicted of, 1957
pleads guilty to, or has pleaded guilty to a violation of 1958
division (B), (C), or (E) of section 2923.16 of the Revised Code 1959
as the division existed prior to September 30, 2011, and who is 1960
authorized by division (H) (2) (a) of that section to file an 1961
application under this section for the expungement of the 1962
conviction record may apply to the sentencing court for the 1963
expungement of the record of conviction. The person may file the 1964
application at any time on or after September 30, 2011. The 1965
application shall do all of the following: 1966

(1) Identify the applicant, the offense for which the 1967
expungement is sought, the date of the conviction of or plea of 1968
guilty to that offense, and the court in which the conviction 1969
occurred or the plea of guilty was entered; 1970

(2) Include evidence that the offense was a violation of 1971
division (B), (C), or (E) of section 2923.16 of the Revised Code 1972
as the division existed prior to September 30, 2011, and that 1973
the applicant is authorized by division (H) (2) (a) of that 1974
section to file an application under this section; 1975

(3) Include a request for expungement of the record of 1976

conviction of that offense under this section. 1977

(C) Upon the filing of an application under division (B) 1978
of this section and the payment of the fee described in division 1979
(D) (3) of this section if applicable, the court shall set a date 1980
for a hearing and shall notify the prosecutor for the case of 1981
the hearing on the application. The prosecutor may object to the 1982
granting of the application by filing an objection with the 1983
court prior to the date set for the hearing. The prosecutor 1984
shall specify in the objection the reasons for believing a 1985
denial of the application is justified. The court shall direct 1986
its regular probation officer, a state probation officer, or the 1987
department of probation of the county in which the applicant 1988
resides to make inquiries and written reports as the court 1989
requires concerning the applicant. The court shall hold the 1990
hearing scheduled under this division. 1991

(D) (1) At the hearing held under division (C) of this 1992
section, the court shall do each of the following: 1993

(a) Determine whether the applicant has been convicted of 1994
or pleaded guilty to a violation of division (E) of section 1995
2923.16 of the Revised Code as the division existed prior to 1996
September 30, 2011, and whether the conduct that was the basis 1997
of the violation no longer would be a violation of that division 1998
on or after September 30, 2011; 1999

(b) Determine whether the applicant has been convicted of 2000
or pleaded guilty to a violation of division (B) or (C) of 2001
section 2923.16 of the Revised Code as the division existed 2002
prior to September 30, 2011, and whether the conduct that was 2003
the basis of the violation no longer would be a violation of 2004
that division on or after September 30, 2011, due to the 2005
application of division (F) (5) of that section as it exists on 2006

and after September 30, 2011; 2007

(c) If the prosecutor has filed an objection in accordance 2008
with division (C) of this section, consider the reasons against 2009
granting the application specified by the prosecutor in the 2010
objection; 2011

(d) Weigh the interests of the applicant in having the 2012
records pertaining to the applicant's conviction or guilty plea 2013
expunged against the legitimate needs, if any, of the government 2014
to maintain those records. 2015

(2) (a) The court may order the expungement of all official 2016
records pertaining to the case and the deletion of all index 2017
references to the case and, if it does order the expungement, 2018
shall send notice of the order to each public office or agency 2019
that the court has reason to believe may have an official record 2020
pertaining to the case if the court, after complying with 2021
division (D) (1) of this section, determines both of the 2022
following: 2023

(i) That the applicant has been convicted of or pleaded 2024
guilty to a violation of division (E) of section 2923.16 of the 2025
Revised Code as it existed prior to September 30, 2011, and the 2026
conduct that was the basis of the violation no longer would be a 2027
violation of that division on or after September 30, 2011, or 2028
that the applicant has been convicted of or pleaded guilty to a 2029
violation of division (B) or (C) of section 2923.16 of the 2030
Revised Code as the division existed prior to September 30, 2031
2011, and the conduct that was the basis of the violation no 2032
longer would be a violation of that division on or after 2033
September 30, 2011, due to the application of division (F) (5) of 2034
that section as it exists on and after September 30, 2011; 2035

(ii) That the interests of the applicant in having the records pertaining to the applicant's conviction or guilty plea expunged are not outweighed by any legitimate needs of the government to maintain those records.

(b) The proceedings in the case that is the subject of an order issued under division (D) (2) (a) of this section shall be considered not to have occurred and the conviction or guilty plea of the person who is the subject of the proceedings shall be expunged. The record of the conviction shall not be used for any purpose, including, but not limited to, a criminal records check under section 109.572 of the Revised Code or a determination under section 2923.125 or ~~2923.1212~~ 2923.1213 of the Revised Code of eligibility for a concealed handgun license. The applicant may, and the court shall, reply that no record exists with respect to the applicant upon any inquiry into the matter.

(3) Upon the filing of an application under this section, the applicant, unless indigent, shall pay a fee of fifty dollars. The court shall pay thirty dollars of the fee into the state treasury and shall pay twenty dollars of the fee into the county general revenue fund.

(4) At the time an applicant files an application under division (B) of this section, the following shall apply:

(a) The clerk of court shall notify the applicant in writing that the court will send notice of any order under division (D) (2) (a) of this section to the qualified third party selected by the attorney general under section 109.38 of the Revised Code and shall inform the applicant of the procedures under section 109.381 of the Revised Code.

(b) The applicant shall then notify the clerk if the
applicant wishes to opt out of receiving the benefits of having
the court send notice of its order under division (D) (2) (a) of
this section to the qualified third party and having the
procedures under section 109.381 of the Revised Code apply to
the records that are subject to the order.

(c) If the applicant does not opt out under division (D)
(4) (b) of this section, the applicant shall pay to the clerk of
court the fee provided in the contract between the attorney
general and the qualified third party under division (D) (2) (b)
of section 109.38 of the Revised Code.

(5) (a) Upon issuance of an order under division (D) (2) (a)
of this section, and unless the applicant opts out under
division (D) (4) (b) of this section, the clerk shall remit the
fee paid by the applicant under division (D) (4) (c) of this
section to the qualified third party. The court shall send
notice of the order under division (D) (2) (a) of this section to
the qualified third party.

(b) If the applicant's application under division (B) of
this section is denied for any reason or if the applicant
informs the clerk of court in writing, before the issuance of
the order under division (D) (2) (a) of this section, that the
applicant wishes to opt out of having the court send notice of
its order under division (D) (2) (a) of this section to the
qualified third party, the clerk shall remit the fee paid by the
applicant under division (D) (4) (c) of this section that is
intended for the qualified third party back to the applicant.

Section 2. That existing sections 9.68, 109.801, 307.93,
307.932, 2901.05, 2923.11, 2923.121, 2923.126, 2923.129,
2923.1212, 2923.18, 2923.20, and 2953.37 of the Revised Code are

hereby repealed. 2095

Section 3. Section 9.68 of the Revised Code, as amended by 2096
this act, shall take effect nine months after the effective date 2097
of this act. 2098