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Committee**

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Sub. H. B. No. 425

Representative Wiggam

**Cosponsors: Representatives Kick, Antani, Lang, Merrin, Becker, Riedel, Vitale,
Manchester, Powell, Koehler, Scherer, Romanchuk, Baldrige, McClain, Wilkin**

Senator Coley

A BILL

To amend sections 109.78, 2923.12, 2923.126,
2923.128, and 2923.16 of the Revised Code to
modify the requirement that a concealed handgun
licensee must notify a law enforcement officer
that the licensee is authorized to carry a
concealed handgun and is carrying a concealed
handgun when stopped and to expressly exempt,
from a requirement that peace officer basic
training be obtained, certain employees that a
board of education or governing body of a school
authorizes to go armed in a school safety zone
within which the board or governing body has
authority.

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

Section 1. That sections 109.78, 2923.12, 2923.126,
2923.128, and 2923.16 of the Revised Code be amended to read as
follows:

Sec. 109.78. (A) The executive director of the Ohio peace officer training commission, on behalf of the commission and in accordance with rules promulgated by the attorney general, shall certify persons who have satisfactorily completed approved training programs designed to qualify persons for positions as special police, security guards, or persons otherwise privately employed in a police capacity and issue appropriate certificates to such persons. Application for approval of a training program designed to qualify persons for such positions shall be made to the commission. An application for approval shall be submitted to the commission with a fee of one hundred twenty-five dollars, which fee shall be refunded if the application is denied. Such programs shall cover only duties and jurisdiction of such security guards and special police privately employed in a police capacity when such officers do not qualify for training under section 109.71 of the Revised Code. A person attending an approved basic training program administered by the state shall pay to the agency administering the program the cost of the person's participation in the program as determined by the agency. A person attending an approved basic training program administered by a county or municipal corporation shall pay the cost of the person's participation in the program, as determined by the administering subdivision, to the county or the municipal corporation. A person who is issued a certificate for satisfactory completion of an approved basic training program shall pay to the commission a fee of fifteen dollars. A duplicate of a lost, spoliated, or destroyed certificate may be issued upon application and payment of a fee of fifteen dollars. Such certificate or the completion of twenty years of active duty as a peace officer shall satisfy the educational requirements for appointment or commission as a special police officer or special deputy of a political subdivision of this

state. 49

(B) (1) The executive director of the Ohio peace officer 50
training commission, on behalf of the commission and in 51
accordance with rules promulgated by the attorney general, shall 52
certify basic firearms training programs, and shall issue 53
certificates to class A, B, or C licensees or prospective class 54
A, B, or C licensees under Chapter 4749. of the Revised Code and 55
to registered or prospective employees of such class A, B, or C 56
licensees who have satisfactorily completed a basic firearms 57
training program of the type described in division (A) (1) of 58
section 4749.10 of the Revised Code. 59

Application for approval of a basic firearms training 60
program shall be made to the commission. An application shall be 61
submitted to the commission with a fee of one hundred dollars, 62
which fee shall be refunded if the application is denied. 63

A person who is issued a certificate for satisfactory 64
completion of an approved basic firearms training program shall 65
pay a fee of ten dollars to the commission. A duplicate of a 66
lost, spoliated, or destroyed certificate may be issued upon 67
application and payment of a fee of five dollars. 68

(2) The executive director, on behalf of the commission 69
and in accordance with rules promulgated by the attorney 70
general, also shall certify firearms requalification training 71
programs and instructors for the annual requalification of class 72
A, B, or C licensees under Chapter 4749. of the Revised Code and 73
registered or prospective employees of such class A, B, or C 74
licensees who are authorized to carry a firearm under section 75
4749.10 of the Revised Code. Application for approval of a 76
training program or instructor for such purpose shall be made to 77
the commission. Such an application shall be submitted to the 78

commission with a fee of fifty dollars, which fee shall be 79
refunded if the application is denied. 80

(3) The executive director, upon request, also shall 81
review firearms training received within three years prior to 82
November 23, 1985, by any class A, B, or C licensee or 83
prospective class A, B, or C licensee, or by any registered or 84
prospective employee of any class A, B, or C licensee under 85
Chapter 4749. of the Revised Code to determine if the training 86
received is equivalent to a basic firearms training program that 87
includes twenty hours of handgun training and five hours of 88
training in the use of other firearms, if any other firearm is 89
to be used. If the executive director determines the training 90
was received within the three-year period and that it is 91
equivalent to such a program, the executive director shall issue 92
written evidence of approval of the equivalency training to the 93
licensee or employee. 94

(C) There is hereby established in the state treasury the 95
peace officer private security fund, which shall be used by the 96
Ohio peace officer training commission to administer the 97
training program to qualify persons for positions as special 98
police, security guards, or other private employment in a police 99
capacity, as described in division (A) of this section, and the 100
training program in basic firearms and the training program for 101
firearms requalification, both as described in division (B) of 102
this section. All fees paid to the commission by applicants for 103
approval of a training program designed to qualify persons for 104
such private police positions, basic firearms training program, 105
or a firearms requalification training program or instructor, as 106
required by division (A) or (B) of this section, by persons who 107
satisfactorily complete a private police training program or a 108
basic firearms training program, as required by division (A) or 109

(B) of this section, or by persons who satisfactorily requalify 110
in firearms use, as required by division (B) (2) of section 111
4749.10 of the Revised Code, shall be transmitted to the 112
treasurer of state for deposit in the fund. The fund shall be 113
used only for the purpose set forth in this division. 114

~~(D) No (1) Subject to division (D) (2) of this section, no~~ 115
~~public or private educational institution or superintendent of~~ 116
~~the state highway patrol shall employ a person as a special~~ 117
~~police officer, security guard, or other for a similar law~~ 118
~~enforcement or security position in which such person goes armed~~ 119
~~while on duty,~~ who has not received a certificate of having 120
satisfactorily completed an approved basic peace officer 121
training program, unless the person has completed twenty years 122
of active duty as a peace officer. 123

(2) Division (D) (1) of this section does not apply with 124
respect to the employment of a person by a board of education or 125
governing body of a school in a position in which the person has 126
been authorized by a school board to voluntarily go armed within 127
a school safety zone within which the board or governing body 128
has authority, if both of the following apply with respect to 129
the employment and person: 130

(a) The person will be going armed within a school safety 131
zone within which the board or governing body has authority 132
pursuant to written authorization from the board of education or 133
governing body of the school, as described in division (D) (1) (a) 134
of section 2923.122 of the Revised Code, to convey deadly 135
weapons into, or to possess a deadly weapon in, a school safety 136
zone within which the board or governing body has authority. 137

(b) The person is not being employed as a special police 138
officer or security officer. 139

Sec. 2923.12. (A) No person shall knowingly carry or have, 140
concealed on the person's person or concealed ready at hand, any 141
of the following: 142

(1) A deadly weapon other than a handgun; 143

(2) A handgun other than a dangerous ordnance; 144

(3) A dangerous ordnance. 145

(B) No person who has been issued a concealed handgun 146
license shall do any of the following: 147

(1) If the person is stopped for a law enforcement purpose 148
and is carrying a concealed handgun, before or at the time a law 149
enforcement officer requests the person's concealed handgun 150
license or asks if the person is carrying a concealed handgun, 151
fail to ~~promptly do both of the following:~~ 152

(a) Display the person's concealed handgun license or 153
orally inform any the law enforcement officer who approaches the 154
~~person after the person has been stopped~~ that the person has 155
been issued a concealed handgun license ~~and;~~ 156

(b) Disclose that the person then is carrying a concealed 157
handgun. 158

(2) If the person is stopped for a law enforcement purpose 159
and is carrying a concealed handgun, knowingly fail to keep the 160
person's hands in plain sight at any time after any law 161
enforcement officer begins approaching the person while stopped 162
and before the law enforcement officer leaves, unless the 163
failure is pursuant to and in accordance with directions given 164
by a law enforcement officer; 165

(3) If the person is stopped for a law enforcement 166
purpose, if the person is carrying a concealed handgun, and if 167

the person is approached by any law enforcement officer while 168
stopped, knowingly remove or attempt to remove the loaded 169
handgun from the holster, pocket, or other place in which the 170
person is carrying it, knowingly grasp or hold the loaded 171
handgun, or knowingly have contact with the loaded handgun by 172
touching it with the person's hands or fingers at any time after 173
the law enforcement officer begins approaching and before the 174
law enforcement officer leaves, unless the person removes, 175
attempts to remove, grasps, holds, or has contact with the 176
loaded handgun pursuant to and in accordance with directions 177
given by the law enforcement officer; 178

(4) If the person is stopped for a law enforcement purpose 179
and is carrying a concealed handgun, knowingly disregard or fail 180
to comply with any lawful order of any law enforcement officer 181
given while the person is stopped, including, but not limited 182
to, a specific order to the person to keep the person's hands in 183
plain sight. 184

(C) (1) This section does not apply to any of the 185
following: 186

(a) An officer, agent, or employee of this or any other 187
state or the United States, or to a law enforcement officer, who 188
is authorized to carry concealed weapons or dangerous ordnance 189
or is authorized to carry handguns and is acting within the 190
scope of the officer's, agent's, or employee's duties; 191

(b) Any person who is employed in this state, who is 192
authorized to carry concealed weapons or dangerous ordnance or 193
is authorized to carry handguns, and who is subject to and in 194
compliance with the requirements of section 109.801 of the 195
Revised Code, unless the appointing authority of the person has 196
expressly specified that the exemption provided in division (C) 197

(1) (b) of this section does not apply to the person; 198

(c) A person's transportation or storage of a firearm, 199
other than a firearm described in divisions (G) to (M) of 200
section 2923.11 of the Revised Code, in a motor vehicle for any 201
lawful purpose if the firearm is not on the actor's person; 202

(d) A person's storage or possession of a firearm, other 203
than a firearm described in divisions (G) to (M) of section 204
2923.11 of the Revised Code, in the actor's own home for any 205
lawful purpose. 206

(2) Division (A) (2) of this section does not apply to any 207
person who, at the time of the alleged carrying or possession of 208
a handgun, either is carrying a valid concealed handgun license 209
or is an active duty member of the armed forces of the United 210
States and is carrying a valid military identification card and 211
documentation of successful completion of firearms training that 212
meets or exceeds the training requirements described in division 213
(G) (1) of section 2923.125 of the Revised Code, unless the 214
person knowingly is in a place described in division (B) of 215
section 2923.126 of the Revised Code. 216

(D) It is an affirmative defense to a charge under 217
division (A) (1) of this section of carrying or having control of 218
a weapon other than a handgun and other than a dangerous 219
ordnance that the actor was not otherwise prohibited by law from 220
having the weapon and that any of the following applies: 221

(1) The weapon was carried or kept ready at hand by the 222
actor for defensive purposes while the actor was engaged in or 223
was going to or from the actor's lawful business or occupation, 224
which business or occupation was of a character or was 225
necessarily carried on in a manner or at a time or place as to 226

render the actor particularly susceptible to criminal attack, 227
such as would justify a prudent person in going armed. 228

(2) The weapon was carried or kept ready at hand by the 229
actor for defensive purposes while the actor was engaged in a 230
lawful activity and had reasonable cause to fear a criminal 231
attack upon the actor, a member of the actor's family, or the 232
actor's home, such as would justify a prudent person in going 233
armed. 234

(3) The weapon was carried or kept ready at hand by the 235
actor for any lawful purpose and while in the actor's own home. 236

(E) No person who is charged with a violation of this 237
section shall be required to obtain a concealed handgun license 238
as a condition for the dismissal of the charge. 239

(F) (1) Whoever violates this section is guilty of carrying 240
concealed weapons. Except as otherwise provided in this division 241
or divisions (F) (2), (5), and (6), ~~and (7)~~ of this section, 242
carrying concealed weapons in violation of division (A) of this 243
section is a misdemeanor of the first degree. Except as 244
otherwise provided in this division or divisions (F) (2), (5), 245
and (6), ~~and (7)~~ of this section, if the offender previously has 246
been convicted of a violation of this section or of any offense 247
of violence, if the weapon involved is a firearm that is either 248
loaded or for which the offender has ammunition ready at hand, 249
or if the weapon involved is dangerous ordnance, carrying 250
concealed weapons in violation of division (A) of this section 251
is a felony of the fourth degree. Except as otherwise provided 252
in divisions (F) (2) and ~~(6)~~ (5) of this section, if the offense 253
is committed aboard an aircraft, or with purpose to carry a 254
concealed weapon aboard an aircraft, regardless of the weapon 255
involved, carrying concealed weapons in violation of division 256

(A) of this section is a felony of the third degree. 257

(2) Except as provided in division ~~(F) (6)~~ (F) (5) of this 258
section, if a person being arrested for a violation of division 259
(A) (2) of this section promptly produces a valid concealed 260
handgun license, and if at the time of the violation the person 261
was not knowingly in a place described in division (B) of 262
section 2923.126 of the Revised Code, the officer shall not 263
arrest the person for a violation of that division. If the 264
person is not able to promptly produce any concealed handgun 265
license and if the person is not in a place described in that 266
section, the officer may arrest the person for a violation of 267
that division, and the offender shall be punished as follows: 268

(a) The offender shall be guilty of a minor misdemeanor if 269
both of the following apply: 270

(i) Within ten days after the arrest, the offender 271
presents a concealed handgun license, which license was valid at 272
the time of the arrest to the law enforcement agency that 273
employs the arresting officer. 274

(ii) At the time of the arrest, the offender was not 275
knowingly in a place described in division (B) of section 276
2923.126 of the Revised Code. 277

(b) The offender shall be guilty of a misdemeanor and 278
shall be fined five hundred dollars if all of the following 279
apply: 280

(i) The offender previously had been issued a concealed 281
handgun license, and that license expired within the two years 282
immediately preceding the arrest. 283

(ii) Within forty-five days after the arrest, the offender 284
presents a concealed handgun license to the law enforcement 285

agency that employed the arresting officer, and the offender 286
waives in writing the offender's right to a speedy trial on the 287
charge of the violation that is provided in section 2945.71 of 288
the Revised Code. 289

(iii) At the time of the commission of the offense, the 290
offender was not knowingly in a place described in division (B) 291
of section 2923.126 of the Revised Code. 292

(c) If divisions (F) (2) (a) and (b) and ~~(F) (6)~~ (F) (5) of 293
this section do not apply, the offender shall be punished under 294
division (F) (1) or ~~(7)~~ (6) of this section. 295

(3) ~~Except as otherwise provided in this division,~~ 296
~~carrying concealed weapons in violation of division (B) (1) of~~ 297
~~this section is a misdemeanor of the first degree, and, in~~ 298
~~addition to any other penalty or sanction imposed for a~~ 299
~~violation of division (B) (1) of this section, the offender's~~ 300
~~concealed handgun license shall be suspended pursuant to~~ 301
~~division (A) (2) of section 2923.128 of the Revised Code. If, at~~ 302
~~the time of the stop of the offender for a law enforcement~~ 303
~~purpose that was the basis of the violation, any law enforcement~~ 304
~~officer involved with the stop had actual knowledge that the~~ 305
~~offender has been issued a concealed handgun license, carrying~~ 306
~~concealed weapons in violation of division (B) (1) of this~~ 307
~~section is a minor misdemeanor, and the offender's concealed~~ 308
~~handgun license shall not be suspended pursuant to division (A)~~ 309
~~(2) of section 2923.128 of the Revised Code.~~ 310

~~(4)~~ Carrying concealed weapons in violation of division 311
(B) (2) or (4) of this section is a misdemeanor of the first 312
degree or, if the offender previously has been convicted of or 313
pleaded guilty to a violation of division (B) (2) or (4) of this 314
section, a felony of the fifth degree. In addition to any other 315

penalty or sanction imposed for a misdemeanor violation of 316
division (B) (2) or (4) of this section, the offender's concealed 317
handgun license shall be suspended pursuant to division (A) (2) 318
of section 2923.128 of the Revised Code. 319

~~(5)~~ (4) Carrying concealed weapons in violation of 320
division (B) (3) of this section is a felony of the fifth degree. 321

~~(6)~~ (5) If a person being arrested for a violation of 322
division (A) (2) of this section is an active duty member of the 323
armed forces of the United States and is carrying a valid 324
military identification card and documentation of successful 325
completion of firearms training that meets or exceeds the 326
training requirements described in division (G) (1) of section 327
2923.125 of the Revised Code, and if at the time of the 328
violation the person was not knowingly in a place described in 329
division (B) of section 2923.126 of the Revised Code, the 330
officer shall not arrest the person for a violation of that 331
division. If the person is not able to promptly produce a valid 332
military identification card and documentation of successful 333
completion of firearms training that meets or exceeds the 334
training requirements described in division (G) (1) of section 335
2923.125 of the Revised Code and if the person is not in a place 336
described in division (B) of section 2923.126 of the Revised 337
Code, the officer shall issue a citation and the offender shall 338
be assessed a civil penalty of not more than five hundred 339
dollars. The citation shall be automatically dismissed and the 340
civil penalty shall not be assessed if both of the following 341
apply: 342

(a) Within ten days after the issuance of the citation, 343
the offender presents a valid military identification card and 344
documentation of successful completion of firearms training that 345

meets or exceeds the training requirements described in division 346
(G) (1) of section 2923.125 of the Revised Code, which were both 347
valid at the time of the issuance of the citation to the law 348
enforcement agency that employs the citing officer. 349

(b) At the time of the citation, the offender was not 350
knowingly in a place described in division (B) of section 351
2923.126 of the Revised Code. 352

~~(7)~~ (6) If a person being arrested for a violation of 353
division (A) (2) of this section is knowingly in a place 354
described in division (B) (5) of section 2923.126 of the Revised 355
Code and is not authorized to carry a handgun or have a handgun 356
concealed on the person's person or concealed ready at hand 357
under that division, the penalty shall be as follows: 358

(a) Except as otherwise provided in this division, if the 359
person produces a valid concealed handgun license within ten 360
days after the arrest and has not previously been convicted or 361
pleaded guilty to a violation of division (A) (2) of this 362
section, the person is guilty of a minor misdemeanor; 363

(b) Except as otherwise provided in this division, if the 364
person has previously been convicted of or pleaded guilty to a 365
violation of division (A) (2) of this section, the person is 366
guilty of a misdemeanor of the fourth degree; 367

(c) Except as otherwise provided in this division, if the 368
person has previously been convicted of or pleaded guilty to two 369
violations of division (A) (2) of this section, the person is 370
guilty of a misdemeanor of the third degree; 371

(d) Except as otherwise provided in this division, if the 372
person has previously been convicted of or pleaded guilty to 373
three or more violations of division (A) (2) of this section, or 374

convicted of or pleaded guilty to any offense of violence, if 375
the weapon involved is a firearm that is either loaded or for 376
which the offender has ammunition ready at hand, or if the 377
weapon involved is a dangerous ordnance, the person is guilty of 378
a misdemeanor of the second degree. 379

(G) If a law enforcement officer stops a person to 380
question the person regarding a possible violation of this 381
section, for a traffic stop, or for any other law enforcement 382
purpose, if the person surrenders a firearm to the officer, 383
either voluntarily or pursuant to a request or demand of the 384
officer, and if the officer does not charge the person with a 385
violation of this section or arrest the person for any offense, 386
the person is not otherwise prohibited by law from possessing 387
the firearm, and the firearm is not contraband, the officer 388
shall return the firearm to the person at the termination of the 389
stop. If a court orders a law enforcement officer to return a 390
firearm to a person pursuant to the requirement set forth in 391
this division, division (B) of section 2923.163 of the Revised 392
Code applies. 393

Sec. 2923.126. (A) (1) A concealed handgun license that is 394
issued under section 2923.125 of the Revised Code shall expire 395
five years after the date of issuance. A licensee who has been 396
issued a license under that section shall be granted a grace 397
period of thirty days after the licensee's license expires 398
during which the licensee's license remains valid. Except as 399
provided in divisions (B) and (C) of this section, a licensee 400
who has been issued a concealed handgun license under section 401
2923.125 or 2923.1213 of the Revised Code may carry a concealed 402
handgun anywhere in this state if the licensee also carries a 403
valid license when the licensee is in actual possession of a 404
concealed handgun. The licensee shall give notice of any change 405

in the licensee's residence address to the sheriff who issued 406
the license within forty-five days after that change. 407

(2) If a licensee is the driver or an occupant of a motor 408
vehicle that is stopped as the result of a traffic stop or a 409
stop for another law enforcement purpose and if the licensee is 410
transporting or has a loaded handgun in the motor vehicle at 411
that time, before or at the time a law enforcement officer 412
requests the licensee's concealed handgun license or asks if the 413
person is carrying a concealed handgun, the licensee shall 414
~~promptly display the licensee's concealed handgun license or~~ 415
~~orally inform any the law enforcement officer who approaches the~~ 416
~~vehicle while stopped~~ that the licensee has been issued a 417
concealed handgun license, and disclose that the licensee 418
currently possesses or has a loaded handgun; the licensee shall 419
not knowingly disregard or fail to comply with lawful orders of 420
a law enforcement officer given while the motor vehicle is 421
stopped, knowingly fail to remain in the motor vehicle while 422
stopped, or knowingly fail to keep the licensee's hands in plain 423
sight after any law enforcement officer begins approaching the 424
licensee while stopped and before the officer leaves, unless 425
directed otherwise by a law enforcement officer; and the 426
licensee shall not knowingly have contact with the loaded 427
handgun by touching it with the licensee's hands or fingers, in 428
any manner in violation of division (E) of section 2923.16 of 429
the Revised Code, after any law enforcement officer begins 430
approaching the licensee while stopped and before the officer 431
leaves. ~~Additionally, if~~ 432

(3) If a licensee is the driver or an occupant of a 433
commercial motor vehicle that is stopped by an employee of the 434
motor carrier enforcement unit for the purposes defined in 435
section 5503.34 of the Revised Code and the licensee is 436

transporting or has a loaded handgun in the commercial motor 437
vehicle at that time, before or at the time an employee of the 438
motor carrier enforcement unit requests the licensee's concealed 439
handgun license or asks if the person is carrying a concealed 440
handgun, the licensee shall ~~promptly display the licensee's~~ 441
concealed handgun license or orally inform the employee of the 442
unit ~~who approaches the vehicle while stopped~~ that the licensee 443
has been issued a concealed handgun license and disclose that 444
the licensee currently possesses or has a loaded handgun. 445

(4) If a licensee is stopped for a law enforcement purpose 446
and if the licensee is carrying a concealed handgun at the time 447
the officer approaches, before or at the time a law enforcement 448
officer requests the licensee's concealed handgun license or 449
asks if the person is carrying a concealed handgun, the licensee 450
shall ~~promptly display the licensee's concealed handgun license~~ 451
or orally inform ~~any the~~ law enforcement officer ~~who approaches~~ 452
~~the licensee while stopped~~ that the licensee has been issued a 453
concealed handgun license and disclose that the licensee 454
currently is carrying a concealed handgun; the licensee shall 455
not knowingly disregard or fail to comply with lawful orders of 456
a law enforcement officer given while the licensee is stopped, 457
or knowingly fail to keep the licensee's hands in plain sight 458
after any law enforcement officer begins approaching the 459
licensee while stopped and before the officer leaves, unless 460
directed otherwise by a law enforcement officer; and the 461
licensee shall not knowingly remove, attempt to remove, grasp, 462
or hold the loaded handgun or knowingly have contact with the 463
loaded handgun by touching it with the licensee's hands or 464
fingers, in any manner in violation of division (B) of section 465
2923.12 of the Revised Code, after any law enforcement officer 466
begins approaching the licensee while stopped and before the 467

officer leaves. 468

(B) A valid concealed handgun license does not authorize 469
the licensee to carry a concealed handgun in any manner 470
prohibited under division (B) of section 2923.12 of the Revised 471
Code or in any manner prohibited under section 2923.16 of the 472
Revised Code. A valid license does not authorize the licensee to 473
carry a concealed handgun into any of the following places: 474

(1) A police station, sheriff's office, or state highway 475
patrol station, premises controlled by the bureau of criminal 476
identification and investigation; a state correctional 477
institution, jail, workhouse, or other detention facility; any 478
area of an airport passenger terminal that is beyond a passenger 479
or property screening checkpoint or to which access is 480
restricted through security measures by the airport authority or 481
a public agency; or an institution that is maintained, operated, 482
managed, and governed pursuant to division (A) of section 483
5119.14 of the Revised Code or division (A) (1) of section 484
5123.03 of the Revised Code; 485

(2) A school safety zone if the licensee's carrying the 486
concealed handgun is in violation of section 2923.122 of the 487
Revised Code; 488

(3) A courthouse or another building or structure in which 489
a courtroom is located if the licensee's carrying the concealed 490
handgun is in violation of section 2923.123 of the Revised Code; 491

(4) Any premises or open air arena for which a D permit 492
has been issued under Chapter 4303. of the Revised Code if the 493
licensee's carrying the concealed handgun is in violation of 494
section 2923.121 of the Revised Code; 495

(5) Any premises owned or leased by any public or private 496

college, university, or other institution of higher education, 497
unless the handgun is in a locked motor vehicle or the licensee 498
is in the immediate process of placing the handgun in a locked 499
motor vehicle or unless the licensee is carrying the concealed 500
handgun pursuant to a written policy, rule, or other 501
authorization that is adopted by the institution's board of 502
trustees or other governing body and that authorizes specific 503
individuals or classes of individuals to carry a concealed 504
handgun on the premises; 505

(6) Any church, synagogue, mosque, or other place of 506
worship, unless the church, synagogue, mosque, or other place of 507
worship posts or permits otherwise; 508

(7) Any building that is a government facility of this 509
state or a political subdivision of this state and that is not a 510
building that is used primarily as a shelter, restroom, parking 511
facility for motor vehicles, or rest facility and is not a 512
courthouse or other building or structure in which a courtroom 513
is located that is subject to division (B)(3) of this section, 514
unless the governing body with authority over the building has 515
enacted a statute, ordinance, or policy that permits a licensee 516
to carry a concealed handgun into the building; 517

(8) A place in which federal law prohibits the carrying of 518
handguns. 519

(C) (1) Nothing in this section shall negate or restrict a 520
rule, policy, or practice of a private employer that is not a 521
private college, university, or other institution of higher 522
education concerning or prohibiting the presence of firearms on 523
the private employer's premises or property, including motor 524
vehicles owned by the private employer. Nothing in this section 525
shall require a private employer of that nature to adopt a rule, 526

policy, or practice concerning or prohibiting the presence of 527
firearms on the private employer's premises or property, 528
including motor vehicles owned by the private employer. 529

(2) (a) A private employer shall be immune from liability 530
in a civil action for any injury, death, or loss to person or 531
property that allegedly was caused by or related to a licensee 532
bringing a handgun onto the premises or property of the private 533
employer, including motor vehicles owned by the private 534
employer, unless the private employer acted with malicious 535
purpose. A private employer is immune from liability in a civil 536
action for any injury, death, or loss to person or property that 537
allegedly was caused by or related to the private employer's 538
decision to permit a licensee to bring, or prohibit a licensee 539
from bringing, a handgun onto the premises or property of the 540
private employer. 541

(b) A political subdivision shall be immune from liability 542
in a civil action, to the extent and in the manner provided in 543
Chapter 2744. of the Revised Code, for any injury, death, or 544
loss to person or property that allegedly was caused by or 545
related to a licensee bringing a handgun onto any premises or 546
property owned, leased, or otherwise under the control of the 547
political subdivision. As used in this division, "political 548
subdivision" has the same meaning as in section 2744.01 of the 549
Revised Code. 550

(c) An institution of higher education shall be immune 551
from liability in a civil action for any injury, death, or loss 552
to person or property that allegedly was caused by or related to 553
a licensee bringing a handgun onto the premises of the 554
institution, including motor vehicles owned by the institution, 555
unless the institution acted with malicious purpose. An 556

institution of higher education is immune from liability in a 557
civil action for any injury, death, or loss to person or 558
property that allegedly was caused by or related to the 559
institution's decision to permit a licensee or class of 560
licensees to bring a handgun onto the premises of the 561
institution. 562

(3) (a) Except as provided in division (C) (3) (b) of this 563
section and section 2923.1214 of the Revised Code, the owner or 564
person in control of private land or premises, and a private 565
person or entity leasing land or premises owned by the state, 566
the United States, or a political subdivision of the state or 567
the United States, may post a sign in a conspicuous location on 568
that land or on those premises prohibiting persons from carrying 569
firearms or concealed firearms on or onto that land or those 570
premises. Except as otherwise provided in this division, a 571
person who knowingly violates a posted prohibition of that 572
nature is guilty of criminal trespass in violation of division 573
(A) (4) of section 2911.21 of the Revised Code and is guilty of a 574
misdemeanor of the fourth degree. If a person knowingly violates 575
a posted prohibition of that nature and the posted land or 576
premises primarily was a parking lot or other parking facility, 577
the person is not guilty of criminal trespass under section 578
2911.21 of the Revised Code or under any other criminal law of 579
this state or criminal law, ordinance, or resolution of a 580
political subdivision of this state, and instead is subject only 581
to a civil cause of action for trespass based on the violation. 582

If a person knowingly violates a posted prohibition of the 583
nature described in this division and the posted land or 584
premises is a child day-care center, type A family day-care 585
home, or type B family day-care home, unless the person is a 586
licensee who resides in a type A family day-care home or type B 587

family day-care home, the person is guilty of aggravated 588
trespass in violation of section 2911.211 of the Revised Code. 589
Except as otherwise provided in this division, the offender is 590
guilty of a misdemeanor of the first degree. If the person 591
previously has been convicted of a violation of this division or 592
of any offense of violence, if the weapon involved is a firearm 593
that is either loaded or for which the offender has ammunition 594
ready at hand, or if the weapon involved is dangerous ordnance, 595
the offender is guilty of a felony of the fourth degree. 596

(b) A landlord may not prohibit or restrict a tenant who 597
is a licensee and who on or after September 9, 2008, enters into 598
a rental agreement with the landlord for the use of residential 599
premises, and the tenant's guest while the tenant is present, 600
from lawfully carrying or possessing a handgun on those 601
residential premises. 602

(c) As used in division (C) (3) of this section: 603

(i) "Residential premises" has the same meaning as in 604
section 5321.01 of the Revised Code, except "residential 605
premises" does not include a dwelling unit that is owned or 606
operated by a college or university. 607

(ii) "Landlord," "tenant," and "rental agreement" have the 608
same meanings as in section 5321.01 of the Revised Code. 609

(D) A person who holds a valid concealed handgun license 610
issued by another state that is recognized by the attorney 611
general pursuant to a reciprocity agreement entered into 612
pursuant to section 109.69 of the Revised Code or a person who 613
holds a valid concealed handgun license under the circumstances 614
described in division (B) of section 109.69 of the Revised Code 615
has the same right to carry a concealed handgun in this state as 616

a person who was issued a concealed handgun license under 617
section 2923.125 of the Revised Code and is subject to the same 618
restrictions that apply to a person who carries a license issued 619
under that section. 620

(E) (1) A peace officer has the same right to carry a 621
concealed handgun in this state as a person who was issued a 622
concealed handgun license under section 2923.125 of the Revised 623
Code, provided that the officer when carrying a concealed 624
handgun under authority of this division is carrying validating 625
identification. For purposes of reciprocity with other states, a 626
peace officer shall be considered to be a licensee in this 627
state. 628

(2) An active duty member of the armed forces of the 629
United States who is carrying a valid military identification 630
card and documentation of successful completion of firearms 631
training that meets or exceeds the training requirements 632
described in division (G) (1) of section 2923.125 of the Revised 633
Code has the same right to carry a concealed handgun in this 634
state as a person who was issued a concealed handgun license 635
under section 2923.125 of the Revised Code and is subject to the 636
same restrictions as specified in this section. 637

(3) A tactical medical professional who is qualified to 638
carry firearms while on duty under section 109.771 of the 639
Revised Code has the same right to carry a concealed handgun in 640
this state as a person who was issued a concealed handgun 641
license under section 2923.125 of the Revised Code. 642

(F) (1) A qualified retired peace officer who possesses a 643
retired peace officer identification card issued pursuant to 644
division (F) (2) of this section and a valid firearms 645
requalification certification issued pursuant to division (F) (3) 646

of this section has the same right to carry a concealed handgun 647
in this state as a person who was issued a concealed handgun 648
license under section 2923.125 of the Revised Code and is 649
subject to the same restrictions that apply to a person who 650
carries a license issued under that section. For purposes of 651
reciprocity with other states, a qualified retired peace officer 652
who possesses a retired peace officer identification card issued 653
pursuant to division (F)(2) of this section and a valid firearms 654
requalification certification issued pursuant to division (F)(3) 655
of this section shall be considered to be a licensee in this 656
state. 657

(2)(a) Each public agency of this state or of a political 658
subdivision of this state that is served by one or more peace 659
officers shall issue a retired peace officer identification card 660
to any person who retired from service as a peace officer with 661
that agency, if the issuance is in accordance with the agency's 662
policies and procedures and if the person, with respect to the 663
person's service with that agency, satisfies all of the 664
following: 665

(i) The person retired in good standing from service as a 666
peace officer with the public agency, and the retirement was not 667
for reasons of mental instability. 668

(ii) Before retiring from service as a peace officer with 669
that agency, the person was authorized to engage in or supervise 670
the prevention, detection, investigation, or prosecution of, or 671
the incarceration of any person for, any violation of law and 672
the person had statutory powers of arrest. 673

(iii) At the time of the person's retirement as a peace 674
officer with that agency, the person was trained and qualified 675
to carry firearms in the performance of the peace officer's 676

duties. 677

(iv) Before retiring from service as a peace officer with 678
that agency, the person was regularly employed as a peace 679
officer for an aggregate of fifteen years or more, or, in the 680
alternative, the person retired from service as a peace officer 681
with that agency, after completing any applicable probationary 682
period of that service, due to a service-connected disability, 683
as determined by the agency. 684

(b) A retired peace officer identification card issued to 685
a person under division (F)(2)(a) of this section shall identify 686
the person by name, contain a photograph of the person, identify 687
the public agency of this state or of the political subdivision 688
of this state from which the person retired as a peace officer 689
and that is issuing the identification card, and specify that 690
the person retired in good standing from service as a peace 691
officer with the issuing public agency and satisfies the 692
criteria set forth in divisions (F)(2)(a)(i) to (iv) of this 693
section. In addition to the required content specified in this 694
division, a retired peace officer identification card issued to 695
a person under division (F)(2)(a) of this section may include 696
the firearms requalification certification described in division 697
(F)(3) of this section, and if the identification card includes 698
that certification, the identification card shall serve as the 699
firearms requalification certification for the retired peace 700
officer. If the issuing public agency issues credentials to 701
active law enforcement officers who serve the agency, the agency 702
may comply with division (F)(2)(a) of this section by issuing 703
the same credentials to persons who retired from service as a 704
peace officer with the agency and who satisfy the criteria set 705
forth in divisions (F)(2)(a)(i) to (iv) of this section, 706
provided that the credentials so issued to retired peace 707

officers are stamped with the word "RETIRED." 708

(c) A public agency of this state or of a political 709
subdivision of this state may charge persons who retired from 710
service as a peace officer with the agency a reasonable fee for 711
issuing to the person a retired peace officer identification 712
card pursuant to division (F)(2)(a) of this section. 713

(3) If a person retired from service as a peace officer 714
with a public agency of this state or of a political subdivision 715
of this state and the person satisfies the criteria set forth in 716
divisions (F)(2)(a)(i) to (iv) of this section, the public 717
agency may provide the retired peace officer with the 718
opportunity to attend a firearms requalification program that is 719
approved for purposes of firearms requalification required under 720
section 109.801 of the Revised Code. The retired peace officer 721
may be required to pay the cost of the course. 722

If a retired peace officer who satisfies the criteria set 723
forth in divisions (F)(2)(a)(i) to (iv) of this section attends 724
a firearms requalification program that is approved for purposes 725
of firearms requalification required under section 109.801 of 726
the Revised Code, the retired peace officer's successful 727
completion of the firearms requalification program requalifies 728
the retired peace officer for purposes of division (F) of this 729
section for five years from the date on which the program was 730
successfully completed, and the requalification is valid during 731
that five-year period. If a retired peace officer who satisfies 732
the criteria set forth in divisions (F)(2)(a)(i) to (iv) of this 733
section satisfactorily completes such a firearms requalification 734
program, the retired peace officer shall be issued a firearms 735
requalification certification that identifies the retired peace 736
officer by name, identifies the entity that taught the program, 737

specifies that the retired peace officer successfully completed 738
the program, specifies the date on which the course was 739
successfully completed, and specifies that the requalification 740
is valid for five years from that date of successful completion. 741
The firearms requalification certification for a retired peace 742
officer may be included in the retired peace officer 743
identification card issued to the retired peace officer under 744
division (F) (2) of this section. 745

A retired peace officer who attends a firearms 746
requalification program that is approved for purposes of 747
firearms requalification required under section 109.801 of the 748
Revised Code may be required to pay the cost of the program. 749

(G) As used in this section: 750

(1) "Qualified retired peace officer" means a person who 751
satisfies all of the following: 752

(a) The person satisfies the criteria set forth in 753
divisions (F) (2) (a) (i) to (v) of this section. 754

(b) The person is not under the influence of alcohol or 755
another intoxicating or hallucinatory drug or substance. 756

(c) The person is not prohibited by federal law from 757
receiving firearms. 758

(2) "Retired peace officer identification card" means an 759
identification card that is issued pursuant to division (F) (2) 760
of this section to a person who is a retired peace officer. 761

(3) "Government facility of this state or a political 762
subdivision of this state" means any of the following: 763

(a) A building or part of a building that is owned or 764
leased by the government of this state or a political 765

subdivision of this state and where employees of the government 766
of this state or the political subdivision regularly are present 767
for the purpose of performing their official duties as employees 768
of the state or political subdivision; 769

(b) The office of a deputy registrar serving pursuant to 770
Chapter 4503. of the Revised Code that is used to perform deputy 771
registrar functions. 772

(4) "Governing body" has the same meaning as in section 773
154.01 of the Revised Code. 774

(5) "Tactical medical professional" has the same meaning 775
as in section 109.71 of the Revised Code. 776

(6) "Validating identification" means photographic 777
identification issued by the agency for which an individual 778
serves as a peace officer that identifies the individual as a 779
peace officer of the agency. 780

Sec. 2923.128. (A) (1) (a) If a licensee holding a valid 781
concealed handgun license is arrested for or otherwise charged 782
with an offense described in division (D) (1) (d) of section 783
2923.125 of the Revised Code or with a violation of section 784
2923.15 of the Revised Code or becomes subject to a temporary 785
protection order or to a protection order issued by a court of 786
another state that is substantially equivalent to a temporary 787
protection order, the sheriff who issued the license shall 788
suspend it and shall comply with division (A) (3) of this section 789
upon becoming aware of the arrest, charge, or protection order. 790
Upon suspending the license, the sheriff also shall comply with 791
division (H) of section 2923.125 of the Revised Code. 792

(b) A suspension under division (A) (1) (a) of this section 793
shall be considered as beginning on the date that the licensee 794

is arrested for or otherwise charged with an offense described 795
in that division or on the date the appropriate court issued the 796
protection order described in that division, irrespective of 797
when the sheriff notifies the licensee under division (A) (3) of 798
this section. The suspension shall end on the date on which the 799
charges are dismissed or the licensee is found not guilty of the 800
offense described in division (A) (1) (a) of this section or, 801
subject to division (B) of this section, on the date the 802
appropriate court terminates the protection order described in 803
that division. If the suspension so ends, the sheriff shall 804
return the license or temporary emergency license to the 805
licensee. 806

(2) (a) If a licensee holding a valid concealed handgun 807
license is convicted of or pleads guilty to a misdemeanor 808
violation of division (B) ~~(1), (2),~~ or (4) of section 2923.12 of 809
the Revised Code or of division (E) ~~(1), (2), (3),~~ or (5) of 810
section 2923.16 of the Revised Code, ~~except as provided in~~ 811
~~division (A) (2) (c) of this section and~~ subject to division (C) 812
of this section, the sheriff who issued the license shall 813
suspend it and shall comply with division (A) (3) of this section 814
upon becoming aware of the conviction or guilty plea. Upon 815
suspending the license, the sheriff also shall comply with 816
division (H) of section 2923.125 of the Revised Code. 817

(b) A suspension under division (A) (2) (a) of this section 818
shall be considered as beginning on the date that the licensee 819
is convicted of or pleads guilty to the offense described in 820
that division, irrespective of when the sheriff notifies the 821
licensee under division (A) (3) of this section. If the 822
suspension is imposed for a misdemeanor violation of division 823
(B) ~~(1) or (2)~~ of section 2923.12 of the Revised Code or of 824
division (E) ~~(1), (2), or (3)~~ of section 2923.16 of the Revised 825

Code, it shall end on the date that is one year after the date 826
that the licensee is convicted of or pleads guilty to that 827
violation. If the suspension is imposed for a misdemeanor 828
violation of division (B) (4) of section 2923.12 of the Revised 829
Code or of division (E) (5) of section 2923.16 of the Revised 830
Code, it shall end on the date that is two years after the date 831
that the licensee is convicted of or pleads guilty to that 832
violation. If the licensee's license was issued under section 833
2923.125 of the Revised Code and the license remains valid after 834
the suspension ends as described in this division, when the 835
suspension ends, the sheriff shall return the license to the 836
licensee. If the licensee's license was issued under section 837
2923.125 of the Revised Code and the license expires before the 838
suspension ends as described in this division, or if the 839
licensee's license was issued under section 2923.1213 of the 840
Revised Code, the licensee is not eligible to apply for a new 841
license under section 2923.125 or 2923.1213 of the Revised Code 842
or to renew the license under section 2923.125 of the Revised 843
Code until after the suspension ends as described in this 844
division. 845

~~(c) The license of a licensee who is convicted of or 846~~
~~pleads guilty to a violation of division (B) (1) of section 847~~
~~2923.12 or division (E) (1) or (2) of section 2923.16 of the 848~~
~~Revised Code shall not be suspended pursuant to division (A) (2) 849~~
~~(a) of this section if, at the time of the stop of the licensee 850~~
~~for a law enforcement purpose, for a traffic stop, or for a 851~~
~~purpose defined in section 5503.34 of the Revised Code that was 852~~
~~the basis of the violation, any law enforcement officer involved 853~~
~~with the stop or the employee of the motor carrier enforcement 854~~
~~unit who made the stop had actual knowledge of the licensee's 855~~
~~status as a licensee. 856~~

(3) Upon becoming aware of an arrest, charge, or 857
protection order described in division (A)(1)(a) of this section 858
with respect to a licensee who was issued a concealed handgun 859
license, or a conviction of or plea of guilty to a misdemeanor 860
offense described in division (A)(2)(a) of this section with 861
respect to a licensee who was issued a concealed handgun license 862
~~and with respect to which division (A)(2)(c) of this section~~ 863
~~does not apply~~, subject to division (C) of this section, the 864
sheriff who issued the licensee's license shall notify the 865
licensee, by certified mail, return receipt requested, at the 866
licensee's last known residence address that the license has 867
been suspended and that the licensee is required to surrender 868
the license at the sheriff's office within ten days of the date 869
on which the notice was mailed. If the suspension is pursuant to 870
division (A)(2) of this section, the notice shall identify the 871
date on which the suspension ends. 872

(B)(1) A sheriff who issues a concealed handgun license to 873
a licensee shall revoke the license in accordance with division 874
(B)(2) of this section upon becoming aware that the licensee 875
satisfies any of the following: 876

(a) The licensee is under twenty-one years of age. 877

(b) Subject to division (C) of this section, at the time 878
of the issuance of the license, the licensee did not satisfy the 879
eligibility requirements of division (D)(1)(c), (d), (e), (f), 880
(g), or (h) of section 2923.125 of the Revised Code. 881

(c) Subject to division (C) of this section, on or after 882
the date on which the license was issued, the licensee is 883
convicted of or pleads guilty to a violation of section 2923.15 884
of the Revised Code or an offense described in division (D)(1) 885
(e), (f), (g), or (h) of section 2923.125 of the Revised Code. 886

(d) On or after the date on which the license was issued, 887
the licensee becomes subject to a civil protection order or to a 888
protection order issued by a court of another state that is 889
substantially equivalent to a civil protection order. 890

(e) The licensee knowingly carries a concealed handgun 891
into a place that the licensee knows is an unauthorized place 892
specified in division (B) of section 2923.126 of the Revised 893
Code. 894

(f) On or after the date on which the license was issued, 895
the licensee is adjudicated as a mental defective or is 896
committed to a mental institution. 897

(g) At the time of the issuance of the license, the 898
licensee did not meet the residency requirements described in 899
division (D)(1) of section 2923.125 of the Revised Code and 900
currently does not meet the residency requirements described in 901
that division. 902

(h) Regarding a license issued under section 2923.125 of 903
the Revised Code, the competency certificate the licensee 904
submitted was forged or otherwise was fraudulent. 905

(2) Upon becoming aware of any circumstance listed in 906
division (B)(1) of this section that applies to a particular 907
licensee who was issued a concealed handgun license, subject to 908
division (C) of this section, the sheriff who issued the license 909
to the licensee shall notify the licensee, by certified mail, 910
return receipt requested, at the licensee's last known residence 911
address that the license is subject to revocation and that the 912
licensee may come to the sheriff's office and contest the 913
sheriff's proposed revocation within fourteen days of the date 914
on which the notice was mailed. After the fourteen-day period 915

and after consideration of any information that the licensee 916
provides during that period, if the sheriff determines on the 917
basis of the information of which the sheriff is aware that the 918
licensee is described in division (B)(1) of this section and no 919
longer satisfies the requirements described in division (D)(1) 920
of section 2923.125 of the Revised Code that are applicable to 921
the licensee's type of license, the sheriff shall revoke the 922
license, notify the licensee of that fact, and require the 923
licensee to surrender the license. Upon revoking the license, 924
the sheriff also shall comply with division (H) of section 925
2923.125 of the Revised Code. 926

(C) If a sheriff who issues a concealed handgun license to 927
a licensee becomes aware that at the time of the issuance of the 928
license the licensee had been convicted of or pleaded guilty to 929
an offense identified in division (D)(1)(e), (f), or (h) of 930
section 2923.125 of the Revised Code or had been adjudicated a 931
delinquent child for committing an act or violation identified 932
in any of those divisions or becomes aware that on or after the 933
date on which the license was issued the licensee has been 934
convicted of or pleaded guilty to an offense identified in 935
division (A)(2)(a) or (B)(1)(c) of this section, the sheriff 936
shall not consider that conviction, guilty plea, or adjudication 937
as having occurred for purposes of divisions (A)(2), (A)(3), (B) 938
(1), and (B)(2) of this section if a court has ordered the 939
sealing or expungement of the records of that conviction, guilty 940
plea, or adjudication pursuant to sections 2151.355 to 2151.358 941
or sections 2953.31 to 2953.36 of the Revised Code or the 942
licensee has been relieved under operation of law or legal 943
process from the disability imposed pursuant to section 2923.13 944
of the Revised Code relative to that conviction, guilty plea, or 945
adjudication. 946

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

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

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

(C) No person shall knowingly transport or have a firearm in a motor vehicle, unless the person may lawfully possess that firearm under applicable law of this state or the United States, the firearm is unloaded, and the firearm is carried in one of the following ways:

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

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

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

(4) If the firearm is at least twenty-four inches in overall length as measured from the muzzle to the part of the stock furthest from the muzzle and if the barrel is at least eighteen inches in length, either in plain sight with the action open or the weapon stripped, or, if the firearm is of a type on which the action will not stay open or which cannot easily be stripped, in plain sight.

(D) No person shall knowingly transport or have a loaded handgun in a motor vehicle if, at the time of that

transportation or possession, any of the following applies: 975

(1) The person is under the influence of alcohol, a drug 976
of abuse, or a combination of them. 977

(2) The person's whole blood, blood serum or plasma, 978
breath, or urine contains a concentration of alcohol, a listed 979
controlled substance, or a listed metabolite of a controlled 980
substance prohibited for persons operating a vehicle, as 981
specified in division (A) of section 4511.19 of the Revised 982
Code, regardless of whether the person at the time of the 983
transportation or possession as described in this division is 984
the operator of or a passenger in the motor vehicle. 985

(E) No person who has been issued a concealed handgun 986
license or who is an active duty member of the armed forces of 987
the United States and is carrying a valid military 988
identification card and documentation of successful completion 989
of firearms training that meets or exceeds the training 990
requirements described in division (G)(1) of section 2923.125 of 991
the Revised Code, who is the driver or an occupant of a motor 992
vehicle that is stopped as a result of a traffic stop or a stop 993
for another law enforcement purpose or is the driver or an 994
occupant of a commercial motor vehicle that is stopped by an 995
employee of the motor carrier enforcement unit for the purposes 996
defined in section 5503.34 of the Revised Code, and who is 997
transporting or has a loaded handgun in the motor vehicle or 998
commercial motor vehicle in any manner, shall do any of the 999
following: 1000

(1) Fail to promptly Before or at the time a law 1001
enforcement officer requests the person's concealed handgun 1002
license or asks if the person is carrying a concealed handgun, 1003
fail to do both of the following: 1004

(a) Display the person's concealed handgun license or 1005
military identification card and documentation of successful 1006
completion of firearms training that meets or exceeds the 1007
training requirements described in division (G) (1) of section 1008
2923.125 of the Revised Code or orally inform any the law 1009
enforcement officer who approaches the vehicle while stopped 1010
that the person has been issued a concealed handgun license or 1011
is authorized to carry a concealed handgun as an active duty 1012
member of the armed forces of the United States ~~and;~~ 1013

(b) Disclose that the person then possesses or has a 1014
loaded handgun in the motor vehicle ~~+~~. 1015

(2) Fail to promptly Before or at the time an employee of 1016
the motor carrier enforcement unit requests the person's 1017
concealed handgun license or asks if the person is carrying a 1018
concealed handgun, fail to do both of the following: 1019

(a) Display the person's concealed handgun license or 1020
military identification card and documentation of successful 1021
completion of firearms training that meets or exceeds the 1022
training requirements described in division (G) (1) of section 1023
2923.125 of the Revised Code or orally inform the employee of 1024
the unit ~~who approaches the vehicle while stopped~~ that the 1025
person has been issued a concealed handgun license or is 1026
authorized to carry a concealed handgun as an active duty member 1027
of the armed forces of the United States ~~and;~~ 1028

(b) Disclose that the person then possesses or has a 1029
loaded handgun in the commercial motor vehicle ~~+~~. 1030

(3) Knowingly fail to remain in the motor vehicle while 1031
stopped or knowingly fail to keep the person's hands in plain 1032
sight at any time after any law enforcement officer begins 1033

approaching the person while stopped and before the law 1034
enforcement officer leaves, unless the failure is pursuant to 1035
and in accordance with directions given by a law enforcement 1036
officer; 1037

(4) Knowingly have contact with the loaded handgun by 1038
touching it with the person's hands or fingers in the motor 1039
vehicle at any time after the law enforcement officer begins 1040
approaching and before the law enforcement officer leaves, 1041
unless the person has contact with the loaded handgun pursuant 1042
to and in accordance with directions given by the law 1043
enforcement officer; 1044

(5) Knowingly disregard or fail to comply with any lawful 1045
order of any law enforcement officer given while the motor 1046
vehicle is stopped, including, but not limited to, a specific 1047
order to the person to keep the person's hands in plain sight. 1048

(F) (1) Divisions (A), (B), (C), and (E) of this section do 1049
not apply to any of the following: 1050

(a) An officer, agent, or employee of this or any other 1051
state or the United States, or a law enforcement officer, when 1052
authorized to carry or have loaded or accessible firearms in 1053
motor vehicles and acting within the scope of the officer's, 1054
agent's, or employee's duties; 1055

(b) Any person who is employed in this state, who is 1056
authorized to carry or have loaded or accessible firearms in 1057
motor vehicles, and who is subject to and in compliance with the 1058
requirements of section 109.801 of the Revised Code, unless the 1059
appointing authority of the person has expressly specified that 1060
the exemption provided in division (F) (1) (b) of this section 1061
does not apply to the person. 1062

(2) Division (A) of this section does not apply to a 1063
person if all of the following circumstances apply: 1064

(a) The person discharges a firearm from a motor vehicle 1065
at a coyote or groundhog, the discharge is not during the deer 1066
gun hunting season as set by the chief of the division of 1067
wildlife of the department of natural resources, and the 1068
discharge at the coyote or groundhog, but for the operation of 1069
this section, is lawful. 1070

(b) The motor vehicle from which the person discharges the 1071
firearm is on real property that is located in an unincorporated 1072
area of a township and that either is zoned for agriculture or 1073
is used for agriculture. 1074

(c) The person owns the real property described in 1075
division (F) (2) (b) of this section, is the spouse or a child of 1076
another person who owns that real property, is a tenant of 1077
another person who owns that real property, or is the spouse or 1078
a child of a tenant of another person who owns that real 1079
property. 1080

(d) The person does not discharge the firearm in any of 1081
the following manners: 1082

(i) While under the influence of alcohol, a drug of abuse, 1083
or alcohol and a drug of abuse; 1084

(ii) In the direction of a street, highway, or other 1085
public or private property used by the public for vehicular 1086
traffic or parking; 1087

(iii) At or into an occupied structure that is a permanent 1088
or temporary habitation; 1089

(iv) In the commission of any violation of law, including, 1090

but not limited to, a felony that includes, as an essential 1091
element, purposely or knowingly causing or attempting to cause 1092
the death of or physical harm to another and that was committed 1093
by discharging a firearm from a motor vehicle. 1094

(3) Division (A) of this section does not apply to a 1095
person if all of the following apply: 1096

(a) The person possesses a valid all-purpose vehicle 1097
permit issued under section 1533.103 of the Revised Code by the 1098
chief of the division of wildlife. 1099

(b) The person discharges a firearm at a wild quadruped or 1100
game bird as defined in section 1531.01 of the Revised Code 1101
during the open hunting season for the applicable wild quadruped 1102
or game bird. 1103

(c) The person discharges a firearm from a stationary all- 1104
purpose vehicle as defined in section 1531.01 of the Revised 1105
Code from private or publicly owned lands or from a motor 1106
vehicle that is parked on a road that is owned or administered 1107
by the division of wildlife. 1108

(d) The person does not discharge the firearm in any of 1109
the following manners: 1110

(i) While under the influence of alcohol, a drug of abuse, 1111
or alcohol and a drug of abuse; 1112

(ii) In the direction of a street, a highway, or other 1113
public or private property that is used by the public for 1114
vehicular traffic or parking; 1115

(iii) At or into an occupied structure that is a permanent 1116
or temporary habitation; 1117

(iv) In the commission of any violation of law, including, 1118

but not limited to, a felony that includes, as an essential 1119
element, purposely or knowingly causing or attempting to cause 1120
the death of or physical harm to another and that was committed 1121
by discharging a firearm from a motor vehicle. 1122

(4) Divisions (B) and (C) of this section do not apply to 1123
a person if all of the following circumstances apply: 1124

(a) At the time of the alleged violation of either of 1125
those divisions, the person is the operator of or a passenger in 1126
a motor vehicle. 1127

(b) The motor vehicle is on real property that is located 1128
in an unincorporated area of a township and that either is zoned 1129
for agriculture or is used for agriculture. 1130

(c) The person owns the real property described in 1131
division (D) (4) (b) of this section, is the spouse or a child of 1132
another person who owns that real property, is a tenant of 1133
another person who owns that real property, or is the spouse or 1134
a child of a tenant of another person who owns that real 1135
property. 1136

(d) The person, prior to arriving at the real property 1137
described in division (D) (4) (b) of this section, did not 1138
transport or possess a firearm in the motor vehicle in a manner 1139
prohibited by division (B) or (C) of this section while the 1140
motor vehicle was being operated on a street, highway, or other 1141
public or private property used by the public for vehicular 1142
traffic or parking. 1143

(5) Divisions (B) and (C) of this section do not apply to 1144
a person who transports or possesses a handgun in a motor 1145
vehicle if, at the time of that transportation or possession, 1146
both of the following apply: 1147

(a) The person transporting or possessing the handgun is 1148
either carrying a valid concealed handgun license or is an 1149
active duty member of the armed forces of the United States and 1150
is carrying a valid military identification card and 1151
documentation of successful completion of firearms training that 1152
meets or exceeds the training requirements described in division 1153
(G) (1) of section 2923.125 of the Revised Code. 1154

(b) The person transporting or possessing the handgun is 1155
not knowingly in a place described in division (B) of section 1156
2923.126 of the Revised Code. 1157

(6) Divisions (B) and (C) of this section do not apply to 1158
a person if all of the following apply: 1159

(a) The person possesses a valid all-purpose vehicle 1160
permit issued under section 1533.103 of the Revised Code by the 1161
chief of the division of wildlife. 1162

(b) The person is on or in an all-purpose vehicle as 1163
defined in section 1531.01 of the Revised Code or a motor 1164
vehicle during the open hunting season for a wild quadruped or 1165
game bird. 1166

(c) The person is on or in an all-purpose vehicle as 1167
defined in section 1531.01 of the Revised Code on private or 1168
publicly owned lands or on or in a motor vehicle that is parked 1169
on a road that is owned or administered by the division of 1170
wildlife. 1171

(7) Nothing in this section prohibits or restricts a 1172
person from possessing, storing, or leaving a firearm in a 1173
locked motor vehicle that is parked in the state underground 1174
parking garage at the state capitol building or in the parking 1175
garage at the Riffe center for government and the arts in 1176

Columbus, if the person's transportation and possession of the 1177
firearm in the motor vehicle while traveling to the premises or 1178
facility was not in violation of division (A), (B), (C), (D), or 1179
(E) of this section or any other provision of the Revised Code. 1180

(G) (1) The affirmative defenses authorized in divisions 1181
(D) (1) and (2) of section 2923.12 of the Revised Code are 1182
affirmative defenses to a charge under division (B) or (C) of 1183
this section that involves a firearm other than a handgun. 1184

(2) It is an affirmative defense to a charge under 1185
division (B) or (C) of this section of improperly handling 1186
firearms in a motor vehicle that the actor transported or had 1187
the firearm in the motor vehicle for any lawful purpose and 1188
while the motor vehicle was on the actor's own property, 1189
provided that this affirmative defense is not available unless 1190
the person, immediately prior to arriving at the actor's own 1191
property, did not transport or possess the firearm in a motor 1192
vehicle in a manner prohibited by division (B) or (C) of this 1193
section while the motor vehicle was being operated on a street, 1194
highway, or other public or private property used by the public 1195
for vehicular traffic. 1196

(H) (1) No person who is charged with a violation of 1197
division (B), (C), or (D) of this section shall be required to 1198
obtain a concealed handgun license as a condition for the 1199
dismissal of the charge. 1200

(2) (a) If a person is convicted of, was convicted of, 1201
pleads guilty to, or has pleaded guilty to a violation of 1202
division (E) of this section as it existed prior to September 1203
30, 2011, and if the conduct that was the basis of the violation 1204
no longer would be a violation of division (E) of this section 1205
on or after September 30, 2011, the person may file an 1206

application under section 2953.37 of the Revised Code requesting 1207
the expungement of the record of conviction. 1208

If a person is convicted of, was convicted of, pleads 1209
guilty to, or has pleaded guilty to a violation of division (B) 1210
or (C) of this section as the division existed prior to 1211
September 30, 2011, and if the conduct that was the basis of the 1212
violation no longer would be a violation of division (B) or (C) 1213
of this section on or after September 30, 2011, due to the 1214
application of division (F)(5) of this section as it exists on 1215
and after September 30, 2011, the person may file an application 1216
under section 2953.37 of the Revised Code requesting the 1217
expungement of the record of conviction. 1218

(b) The attorney general shall develop a public media 1219
advisory that summarizes the expungement procedure established 1220
under section 2953.37 of the Revised Code and the offenders 1221
identified in division (H)(2)(a) of this section who are 1222
authorized to apply for the expungement. Within thirty days 1223
after September 30, 2011, the attorney general shall provide a 1224
copy of the advisory to each daily newspaper published in this 1225
state and each television station that broadcasts in this state. 1226
The attorney general may provide the advisory in a tangible 1227
form, an electronic form, or in both tangible and electronic 1228
forms. 1229

(I) Whoever violates this section is guilty of improperly 1230
handling firearms in a motor vehicle. Violation of division (A) 1231
of this section is a felony of the fourth degree. Violation of 1232
division (C) of this section is a misdemeanor of the fourth 1233
degree. A violation of division (D) of this section is a felony 1234
of the fifth degree or, if the loaded handgun is concealed on 1235
the person's person, a felony of the fourth degree. ~~Except as~~ 1236

~~otherwise provided in this division, a violation of division (E)~~ 1237
~~(1) or (2) of this section is a misdemeanor of the first degree,~~ 1238
~~and, in addition to any other penalty or sanction imposed for~~ 1239
~~the violation, the offender's concealed handgun license shall be~~ 1240
~~suspended pursuant to division (A) (2) of section 2923.128 of the~~ 1241
~~Revised Code. If at the time of the stop of the offender for a~~ 1242
~~traffic stop, for another law enforcement purpose, or for a~~ 1243
~~purpose defined in section 5503.34 of the Revised Code that was~~ 1244
~~the basis of the violation any law enforcement officer involved~~ 1245
~~with the stop or the employee of the motor carrier enforcement~~ 1246
~~unit who made the stop had actual knowledge of the offender's~~ 1247
~~status as a licensee, a violation of division (E) (1) or (2) of~~ 1248
~~this section is a minor misdemeanor, and the offender's~~ 1249
~~concealed handgun license shall not be suspended pursuant to~~ 1250
~~division (A) (2) of section 2923.128 of the Revised Code . A~~ 1251
violation of division (E) (4) of this section is a felony of the 1252
fifth degree. A violation of division (E) (3) or (5) of this 1253
section is a misdemeanor of the first degree or, if the offender 1254
previously has been convicted of or pleaded guilty to a 1255
violation of division (E) (3) or (5) of this section, a felony of 1256
the fifth degree. In addition to any other penalty or sanction 1257
imposed for a misdemeanor violation of division (E) (3) or (5) of 1258
this section, the offender's concealed handgun license shall be 1259
suspended pursuant to division (A) (2) of section 2923.128 of the 1260
Revised Code. A violation of division (B) of this section is a 1261
felony of the fourth degree. 1262

(J) If a law enforcement officer stops a motor vehicle for 1263
a traffic stop or any other purpose, if any person in the motor 1264
vehicle surrenders a firearm to the officer, either voluntarily 1265
or pursuant to a request or demand of the officer, and if the 1266
officer does not charge the person with a violation of this 1267

section or arrest the person for any offense, the person is not 1268
otherwise prohibited by law from possessing the firearm, and the 1269
firearm is not contraband, the officer shall return the firearm 1270
to the person at the termination of the stop. If a court orders 1271
a law enforcement officer to return a firearm to a person 1272
pursuant to the requirement set forth in this division, division 1273
(B) of section 2923.163 of the Revised Code applies. 1274

(K) As used in this section: 1275

(1) "Motor vehicle," "street," and "highway" have the same 1276
meanings as in section 4511.01 of the Revised Code. 1277

(2) "Occupied structure" has the same meaning as in 1278
section 2909.01 of the Revised Code. 1279

(3) "Agriculture" has the same meaning as in section 1280
519.01 of the Revised Code. 1281

(4) "Tenant" has the same meaning as in section 1531.01 of 1282
the Revised Code. 1283

(5) (a) "Unloaded" means, with respect to a firearm other 1284
than a firearm described in division (K) (6) of this section, 1285
that no ammunition is in the firearm in question, no magazine or 1286
speed loader containing ammunition is inserted into the firearm 1287
in question, and one of the following applies: 1288

(i) There is no ammunition in a magazine or speed loader 1289
that is in the vehicle in question and that may be used with the 1290
firearm in question. 1291

(ii) Any magazine or speed loader that contains ammunition 1292
and that may be used with the firearm in question is stored in a 1293
compartment within the vehicle in question that cannot be 1294
accessed without leaving the vehicle or is stored in a container 1295

that provides complete and separate enclosure. 1296

(b) For the purposes of division (K) (5) (a) (ii) of this 1297
section, a "container that provides complete and separate 1298
enclosure" includes, but is not limited to, any of the 1299
following: 1300

(i) A package, box, or case with multiple compartments, as 1301
long as the loaded magazine or speed loader and the firearm in 1302
question either are in separate compartments within the package, 1303
box, or case, or, if they are in the same compartment, the 1304
magazine or speed loader is contained within a separate 1305
enclosure in that compartment that does not contain the firearm 1306
and that closes using a snap, button, buckle, zipper, hook and 1307
loop closing mechanism, or other fastener that must be opened to 1308
access the contents or the firearm is contained within a 1309
separate enclosure of that nature in that compartment that does 1310
not contain the magazine or speed loader; 1311

(ii) A pocket or other enclosure on the person of the 1312
person in question that closes using a snap, button, buckle, 1313
zipper, hook and loop closing mechanism, or other fastener that 1314
must be opened to access the contents. 1315

(c) For the purposes of divisions (K) (5) (a) and (b) of 1316
this section, ammunition held in stripper-clips or in en-bloc 1317
clips is not considered ammunition that is loaded into a 1318
magazine or speed loader. 1319

(6) "Unloaded" means, with respect to a firearm employing 1320
a percussion cap, flintlock, or other obsolete ignition system, 1321
when the weapon is uncapped or when the priming charge is 1322
removed from the pan. 1323

(7) "Commercial motor vehicle" has the same meaning as in 1324

division (A) of section 4506.25 of the Revised Code. 1325

(8) "Motor carrier enforcement unit" means the motor 1326
carrier enforcement unit in the department of public safety, 1327
division of state highway patrol, that is created by section 1328
5503.34 of the Revised Code. 1329

(L) Divisions (K) (5) (a) and (b) of this section do not 1330
affect the authority of a person who is carrying a valid 1331
concealed handgun license to have one or more magazines or speed 1332
loaders containing ammunition anywhere in a vehicle, without 1333
being transported as described in those divisions, as long as no 1334
ammunition is in a firearm, other than a handgun, in the vehicle 1335
other than as permitted under any other provision of this 1336
chapter. A person who is carrying a valid concealed handgun 1337
license may have one or more magazines or speed loaders 1338
containing ammunition anywhere in a vehicle without further 1339
restriction, as long as no ammunition is in a firearm, other 1340
than a handgun, in the vehicle other than as permitted under any 1341
provision of this chapter. 1342

Section 2. That existing sections 109.78, 2923.12, 1343
2923.126, 2923.128, and 2923.16 of the Revised Code are hereby 1344
repealed. 1345

Section 3. The General Assembly hereby declares that the 1346
purpose of this act is to expressly overrule the decision of the 1347
Twelfth District Court of Appeals in the case Gabbard v. Madison 1348
Local School Dist. Bd. of Educ., 12th Dist. Butler No. CA2019- 1349
03-051, 2020-Ohio-1180. 1350

Section 4. Section 2923.126 of the Revised Code is 1351
presented in this act as a composite of the section as amended 1352
by both H.B. 79 and H.B. 228 of the 132nd General Assembly. The 1353

General Assembly, applying the principle stated in division (B)	1354
of section 1.52 of the Revised Code that amendments are to be	1355
harmonized if reasonably capable of simultaneous operation,	1356
finds that the composite is the resulting version of the section	1357
in effect prior to the effective date of the section as	1358
presented in this act.	1359