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Sub. S. B. No. 208

Senator Terhar

**Cosponsors: Senators Beagle, Coley, Hottinger, Huffman, Jordan, Thomas,
Uecker**

A BILL

To amend sections 2923.121 and 2923.126 and to
enact section 2923.1214 of the Revised Code to
generally allow a law enforcement officer or
BCII investigator who is carrying validating
identification, whether on or off duty, to carry
a weapon on certain premises open to the public
and to provide a qualified immunity from civil
liability for owners, operators, and employers
of such premises for any related injury, death,
or loss.

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

Section 1. That sections 2923.121 and 2923.126 be amended
and section 2923.1214 of the Revised Code be enacted to read as
follows:

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

(B) (1) This section does not apply to any of the 19
following: 20

(a) An officer, agent, or employee of this or any other 21
state or the United States, or ~~to~~a law enforcement officer, who 22
is authorized to carry firearms and is acting within the scope 23
of the officer's, agent's, or employee's duties; 24

(b) A law enforcement officer or investigator who is 25
authorized to carry firearms but is not acting within the scope 26
of the officer's or investigator's duties, as long as both of 27
the following apply: 28

(i) The officer or investigator is not consuming beer or 29
intoxicating liquor or under the influence of alcohol or a drug 30
of abuse and is carrying validating identification. 31

(ii) If the firearm the officer or investigator possesses 32
is a firearm issued or approved by the law enforcement agency 33
served by the law enforcement officer or by the bureau of 34
criminal identification and investigation with respect to an 35
investigator, the agency or bureau does not have a specific 36
policy prohibiting all officers of the agency or all 37
investigators of the bureau from carrying a firearm issued or 38
approved by the agency or bureau in such a manner. 39

(c) Any person who is employed in this state, who is 40
authorized to carry firearms, and who is subject to and in 41
compliance with the requirements of section 109.801 of the 42
Revised Code, unless the appointing authority of the person has 43
expressly specified that the exemption provided in division (B) 44
(1) (b) of this section does not apply to the person; 45

~~(e)~~ (d) Any room used for the accommodation of guests of a 46
hotel, as defined in section 4301.01 of the Revised Code; 47

~~(d)~~-(e) The principal holder of a D permit issued for a 48
premises or an open air arena under Chapter 4303. of the Revised 49
Code while in the premises or open air arena for which the 50
permit was issued if the principal holder of the D permit also 51
possesses a valid concealed handgun license and as long as the 52
principal holder is not consuming beer or intoxicating liquor or 53
under the influence of alcohol or a drug of abuse, or any agent 54
or employee of that holder who also is a peace officer, as 55
defined in section 2151.3515 of the Revised Code, who is off 56
duty, and who otherwise is authorized to carry firearms while in 57
the course of the officer's official duties and while in the 58
premises or open air arena for which the permit was issued and 59
as long as the agent or employee of that holder is not consuming 60
beer or intoxicating liquor or under the influence of alcohol or 61
a drug of abuse. 62

~~(e)~~-(f) Any person who is carrying a valid concealed 63
handgun license or any person who is an active duty member of 64
the armed forces of the United States and is carrying a valid 65
military identification card and documentation of successful 66
completion of firearms training that meets or exceeds the 67
training requirements described in division (G)(1) of section 68
2923.125 of the Revised Code, as long as the person is not 69
consuming beer or intoxicating liquor or under the influence of 70
alcohol or a drug of abuse. 71

(2) This section does not prohibit any person who is a 72
member of a veteran's organization, as defined in section 73
2915.01 of the Revised Code, from possessing a rifle in any room 74
in any premises owned, leased, or otherwise under the control of 75
the veteran's organization, if the rifle is not loaded with live 76
ammunition and if the person otherwise is not prohibited by law 77
from having the rifle. 78

(3) This section does not apply to any person possessing 79
or displaying firearms in any room used to exhibit unloaded 80
firearms for sale or trade in a soldiers' memorial established 81
pursuant to Chapter 345. of the Revised Code, in a convention 82
center, or in any other public meeting place, if the person is 83
an exhibitor, trader, purchaser, or seller of firearms and is 84
not otherwise prohibited by law from possessing, trading, 85
purchasing, or selling the firearms. 86

(C) It is an affirmative defense to a charge under this 87
section of illegal possession of a firearm in a liquor permit 88
premises that involves the possession of a firearm other than a 89
handgun, that the actor was not otherwise prohibited by law from 90
having the firearm, and that any of the following apply: 91

(1) The firearm was carried or kept ready at hand by the 92
actor for defensive purposes, while the actor was engaged in or 93
was going to or from the actor's lawful business or occupation, 94
which business or occupation was of such character or was 95
necessarily carried on in such manner or at such a time or place 96
as to render the actor particularly susceptible to criminal 97
attack, such as would justify a prudent person in going armed. 98

(2) The firearm was carried or kept ready at hand by the 99
actor for defensive purposes, while the actor was engaged in a 100
lawful activity, and had reasonable cause to fear a criminal 101
attack upon the actor or a member of the actor's family, or upon 102
the actor's home, such as would justify a prudent person in 103
going armed. 104

(D) No person who is charged with a violation of this 105
section shall be required to obtain a concealed handgun license 106
as a condition for the dismissal of the charge. 107

(E) Whoever violates this section is guilty of illegal 108
possession of a firearm in a liquor permit premises. Except as 109
otherwise provided in this division, illegal possession of a 110
firearm in a liquor permit premises is a felony of the fifth 111
degree. If the offender commits the violation of this section by 112
knowingly carrying or having the firearm concealed on the 113
offender's person or concealed ready at hand, illegal possession 114
of a firearm in a liquor permit premises is a felony of the 115
third degree. 116

(F) As used in this section, ~~"beer"~~: 117

(1) "Beer" and "intoxicating liquor" have the same 118
meanings as in section 4301.01 of the Revised Code. 119

(2) "Investigator" has the same meaning as in section 120
109.541 of the Revised Code. 121

(3) "Validating identification" means one of the 122
following: 123

(a) Photographic identification issued by the law 124
enforcement agency for which an individual serves as a law 125
enforcement officer that identifies the individual as a law 126
enforcement officer of the agency; 127

(b) Photographic identification issued by the bureau of 128
criminal identification and investigation that identifies an 129
individual as an investigator of the bureau. 130

Sec. 2923.126. (A) A concealed handgun license that is 131
issued under section 2923.125 of the Revised Code shall expire 132
five years after the date of issuance. A licensee who has been 133
issued a license under that section shall be granted a grace 134
period of thirty days after the licensee's license expires 135
during which the licensee's license remains valid. Except as 136

provided in divisions (B) and (C) of this section, a licensee 137
who has been issued a concealed handgun license under section 138
2923.125 or 2923.1213 of the Revised Code may carry a concealed 139
handgun anywhere in this state if the licensee also carries a 140
valid license and valid identification when the licensee is in 141
actual possession of a concealed handgun. The licensee shall 142
give notice of any change in the licensee's residence address to 143
the sheriff who issued the license within forty-five days after 144
that change. 145

If a licensee is the driver or an occupant of a motor 146
vehicle that is stopped as the result of a traffic stop or a 147
stop for another law enforcement purpose and if the licensee is 148
transporting or has a loaded handgun in the motor vehicle at 149
that time, the licensee shall promptly inform any law 150
enforcement officer who approaches the vehicle while stopped 151
that the licensee has been issued a concealed handgun license 152
and that the licensee currently possesses or has a loaded 153
handgun; the licensee shall not knowingly disregard or fail to 154
comply with lawful orders of a law enforcement officer given 155
while the motor vehicle is stopped, knowingly fail to remain in 156
the motor vehicle while stopped, or knowingly fail to keep the 157
licensee's hands in plain sight after any law enforcement 158
officer begins approaching the licensee while stopped and before 159
the officer leaves, unless directed otherwise by a law 160
enforcement officer; and the licensee shall not knowingly have 161
contact with the loaded handgun by touching it with the 162
licensee's hands or fingers, in any manner in violation of 163
division (E) of section 2923.16 of the Revised Code, after any 164
law enforcement officer begins approaching the licensee while 165
stopped and before the officer leaves. Additionally, if a 166
licensee is the driver or an occupant of a commercial motor 167

vehicle that is stopped by an employee of the motor carrier 168
enforcement unit for the purposes defined in section 5503.34 of 169
the Revised Code and if the licensee is transporting or has a 170
loaded handgun in the commercial motor vehicle at that time, the 171
licensee shall promptly inform the employee of the unit who 172
approaches the vehicle while stopped that the licensee has been 173
issued a concealed handgun license and that the licensee 174
currently possesses or has a loaded handgun. 175

If a licensee is stopped for a law enforcement purpose and 176
if the licensee is carrying a concealed handgun at the time the 177
officer approaches, the licensee shall promptly inform any law 178
enforcement officer who approaches the licensee while stopped 179
that the licensee has been issued a concealed handgun license 180
and that the licensee currently is carrying a concealed handgun; 181
the licensee shall not knowingly disregard or fail to comply 182
with lawful orders of a law enforcement officer given while the 183
licensee is stopped or knowingly fail to keep the licensee's 184
hands in plain sight after any law enforcement officer begins 185
approaching the licensee while stopped and before the officer 186
leaves, unless directed otherwise by a law enforcement officer; 187
and the licensee shall not knowingly remove, attempt to remove, 188
grasp, or hold the loaded handgun or knowingly have contact with 189
the loaded handgun by touching it with the licensee's hands or 190
fingers, in any manner in violation of division (B) of section 191
2923.12 of the Revised Code, after any law enforcement officer 192
begins approaching the licensee while stopped and before the 193
officer leaves. 194

(B) A valid concealed handgun license does not authorize 195
the licensee to carry a concealed handgun in any manner 196
prohibited under division (B) of section 2923.12 of the Revised 197
Code or in any manner prohibited under section 2923.16 of the 198

Revised Code. A valid license does not authorize the licensee to 199
carry a concealed handgun into any of the following places: 200

(1) A police station, sheriff's office, or state highway 201
patrol station, premises controlled by the bureau of criminal 202
identification and investigation; a state correctional 203
institution, jail, workhouse, or other detention facility; any 204
area of an airport passenger terminal that is beyond a passenger 205
or property screening checkpoint or to which access is 206
restricted through security measures by the airport authority or 207
a public agency; or an institution that is maintained, operated, 208
managed, and governed pursuant to division (A) of section 209
5119.14 of the Revised Code or division (A) (1) of section 210
5123.03 of the Revised Code; 211

(2) A school safety zone if the licensee's carrying the 212
concealed handgun is in violation of section 2923.122 of the 213
Revised Code; 214

(3) A courthouse or another building or structure in which 215
a courtroom is located, in violation of section 2923.123 of the 216
Revised Code; 217

(4) Any premises or open air arena for which a D permit 218
has been issued under Chapter 4303. of the Revised Code if the 219
licensee's carrying the concealed handgun is in violation of 220
section 2923.121 of the Revised Code; 221

(5) Any premises owned or leased by any public or private 222
college, university, or other institution of higher education, 223
unless the handgun is in a locked motor vehicle or the licensee 224
is in the immediate process of placing the handgun in a locked 225
motor vehicle or unless the licensee is carrying the concealed 226
handgun pursuant to a written policy, rule, or other 227

authorization that is adopted by the institution's board of 228
trustees or other governing body and that authorizes specific 229
individuals or classes of individuals to carry a concealed 230
handgun on the premises; 231

(6) Any church, synagogue, mosque, or other place of 232
worship, unless the church, synagogue, mosque, or other place of 233
worship posts or permits otherwise; 234

(7) Any building that is a government facility of this 235
state or a political subdivision of this state and that is not a 236
building that is used primarily as a shelter, restroom, parking 237
facility for motor vehicles, or rest facility and is not a 238
courthouse or other building or structure in which a courtroom 239
is located that is subject to division (B) (3) of this section, 240
unless the governing body with authority over the building has 241
enacted a statute, ordinance, or policy that permits a licensee 242
to carry a concealed handgun into the building; 243

(8) A place in which federal law prohibits the carrying of 244
handguns. 245

(C) (1) Nothing in this section shall negate or restrict a 246
rule, policy, or practice of a private employer that is not a 247
private college, university, or other institution of higher 248
education concerning or prohibiting the presence of firearms on 249
the private employer's premises or property, including motor 250
vehicles owned by the private employer. Nothing in this section 251
shall require a private employer of that nature to adopt a rule, 252
policy, or practice concerning or prohibiting the presence of 253
firearms on the private employer's premises or property, 254
including motor vehicles owned by the private employer. 255

(2) (a) A private employer shall be immune from liability 256

in a civil action for any injury, death, or loss to person or 257
property that allegedly was caused by or related to a licensee 258
bringing a handgun onto the premises or property of the private 259
employer, including motor vehicles owned by the private 260
employer, unless the private employer acted with malicious 261
purpose. A private employer is immune from liability in a civil 262
action for any injury, death, or loss to person or property that 263
allegedly was caused by or related to the private employer's 264
decision to permit a licensee to bring, or prohibit a licensee 265
from bringing, a handgun onto the premises or property of the 266
private employer. 267

(b) A political subdivision shall be immune from liability 268
in a civil action, to the extent and in the manner provided in 269
Chapter 2744. of the Revised Code, for any injury, death, or 270
loss to person or property that allegedly was caused by or 271
related to a licensee bringing a handgun onto any premises or 272
property owned, leased, or otherwise under the control of the 273
political subdivision. As used in this division, "political 274
subdivision" has the same meaning as in section 2744.01 of the 275
Revised Code. 276

(c) An institution of higher education shall be immune 277
from liability in a civil action for any injury, death, or loss 278
to person or property that allegedly was caused by or related to 279
a licensee bringing a handgun onto the premises of the 280
institution, including motor vehicles owned by the institution, 281
unless the institution acted with malicious purpose. An 282
institution of higher education is immune from liability in a 283
civil action for any injury, death, or loss to person or 284
property that allegedly was caused by or related to the 285
institution's decision to permit a licensee or class of 286
licensees to bring a handgun onto the premises of the 287

institution. 288

(3) (a) Except as provided in division (C) (3) (b) of this 289
section and section 2923.1214 of the Revised Code, the owner or 290
person in control of private land or premises, and a private 291
person or entity leasing land or premises owned by the state, 292
the United States, or a political subdivision of the state or 293
the United States, may post a sign in a conspicuous location on 294
that land or on those premises prohibiting persons from carrying 295
firearms or concealed firearms on or onto that land or those 296
premises. Except as otherwise provided in this division, a 297
person who knowingly violates a posted prohibition of that 298
nature is guilty of criminal trespass in violation of division 299
(A) (4) of section 2911.21 of the Revised Code and is guilty of a 300
misdemeanor of the fourth degree. If a person knowingly violates 301
a posted prohibition of that nature and the posted land or 302
premises primarily was a parking lot or other parking facility, 303
the person is not guilty of criminal trespass under section 304
2911.21 of the Revised Code or under any other criminal law of 305
this state or criminal law, ordinance, or resolution of a 306
political subdivision of this state, and instead is subject only 307
to a civil cause of action for trespass based on the violation. 308

If a person knowingly violates a posted prohibition of the 309
nature described in this division and the posted land or 310
premises is a child day-care center, type A family day-care 311
home, or type B family day-care home, unless the person is a 312
licensee who resides in a type A family day-care home or type B 313
family day-care home, the person is guilty of aggravated 314
trespass in violation of section 2911.211 of the Revised Code. 315
Except as otherwise provided in this division, the offender is 316
guilty of a misdemeanor of the first degree. If the person 317
previously has been convicted of a violation of this division or 318

of any offense of violence, if the weapon involved is a firearm 319
that is either loaded or for which the offender has ammunition 320
ready at hand, or if the weapon involved is dangerous ordnance, 321
the offender is guilty of a felony of the fourth degree. 322

(b) A landlord may not prohibit or restrict a tenant who 323
is a licensee and who on or after September 9, 2008, enters into 324
a rental agreement with the landlord for the use of residential 325
premises, and the tenant's guest while the tenant is present, 326
from lawfully carrying or possessing a handgun on those 327
residential premises. 328

(c) As used in division (C) (3) of this section: 329

(i) "Residential premises" has the same meaning as in 330
section 5321.01 of the Revised Code, except "residential 331
premises" does not include a dwelling unit that is owned or 332
operated by a college or university. 333

(ii) "Landlord," "tenant," and "rental agreement" have the 334
same meanings as in section 5321.01 of the Revised Code. 335

(D) A person who holds a valid concealed handgun license 336
issued by another state that is recognized by the attorney 337
general pursuant to a reciprocity agreement entered into 338
pursuant to section 109.69 of the Revised Code or a person who 339
holds a valid concealed handgun license under the circumstances 340
described in division (B) of section 109.69 of the Revised Code 341
has the same right to carry a concealed handgun in this state as 342
a person who was issued a concealed handgun license under 343
section 2923.125 of the Revised Code and is subject to the same 344
restrictions that apply to a person who carries a license issued 345
under that section. 346

(E) (1) A peace officer has the same right to carry a 347

concealed handgun in this state as a person who was issued a 348
concealed handgun license under section 2923.125 of the Revised 349
Code, provided that the officer when carrying a concealed 350
handgun under authority of this division is carrying validating 351
identification. For purposes of reciprocity with other states, a 352
peace officer shall be considered to be a licensee in this 353
state. 354

(2) An active duty member of the armed forces of the 355
United States who is carrying a valid military identification 356
card and documentation of successful completion of firearms 357
training that meets or exceeds the training requirements 358
described in division (G) (1) of section 2923.125 of the Revised 359
Code has the same right to carry a concealed handgun in this 360
state as a person who was issued a concealed handgun license 361
under section 2923.125 of the Revised Code and is subject to the 362
same restrictions as specified in this section. 363

(F) (1) A qualified retired peace officer who possesses a 364
retired peace officer identification card issued pursuant to 365
division (F) (2) of this section and a valid firearms 366
requalification certification issued pursuant to division (F) (3) 367
of this section has the same right to carry a concealed handgun 368
in this state as a person who was issued a concealed handgun 369
license under section 2923.125 of the Revised Code and is 370
subject to the same restrictions that apply to a person who 371
carries a license issued under that section. For purposes of 372
reciprocity with other states, a qualified retired peace officer 373
who possesses a retired peace officer identification card issued 374
pursuant to division (F) (2) of this section and a valid firearms 375
requalification certification issued pursuant to division (F) (3) 376
of this section shall be considered to be a licensee in this 377
state. 378

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

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

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

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

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

(b) A retired peace officer identification card issued to
a person under division (F) (2) (a) of this section shall identify

the person by name, contain a photograph of the person, identify 408
the public agency of this state or of the political subdivision 409
of this state from which the person retired as a peace officer 410
and that is issuing the identification card, and specify that 411
the person retired in good standing from service as a peace 412
officer with the issuing public agency and satisfies the 413
criteria set forth in divisions (F) (2) (a) (i) to (iv) of this 414
section. In addition to the required content specified in this 415
division, a retired peace officer identification card issued to 416
a person under division (F) (2) (a) of this section may include 417
the firearms requalification certification described in division 418
(F) (3) of this section, and if the identification card includes 419
that certification, the identification card shall serve as the 420
firearms requalification certification for the retired peace 421
officer. If the issuing public agency issues credentials to 422
active law enforcement officers who serve the agency, the agency 423
may comply with division (F) (2) (a) of this section by issuing 424
the same credentials to persons who retired from service as a 425
peace officer with the agency and who satisfy the criteria set 426
forth in divisions (F) (2) (a) (i) to (iv) of this section, 427
provided that the credentials so issued to retired peace 428
officers are stamped with the word "RETIRED." 429

(c) A public agency of this state or of a political 430
subdivision of this state may charge persons who retired from 431
service as a peace officer with the agency a reasonable fee for 432
issuing to the person a retired peace officer identification 433
card pursuant to division (F) (2) (a) of this section. 434

(3) If a person retired from service as a peace officer 435
with a public agency of this state or of a political subdivision 436
of this state and the person satisfies the criteria set forth in 437
divisions (F) (2) (a) (i) to (iv) of this section, the public 438

agency may provide the retired peace officer with the 439
opportunity to attend a firearms requalification program that is 440
approved for purposes of firearms requalification required under 441
section 109.801 of the Revised Code. The retired peace officer 442
may be required to pay the cost of the course. 443

If a retired peace officer who satisfies the criteria set 444
forth in divisions (F)(2)(a)(i) to (iv) of this section attends 445
a firearms requalification program that is approved for purposes 446
of firearms requalification required under section 109.801 of 447
the Revised Code, the retired peace officer's successful 448
completion of the firearms requalification program requalifies 449
the retired peace officer for purposes of division (F) of this 450
section for five years from the date on which the program was 451
successfully completed, and the requalification is valid during 452
that five-year period. If a retired peace officer who satisfies 453
the criteria set forth in divisions (F)(2)(a)(i) to (iv) of this 454
section satisfactorily completes such a firearms requalification 455
program, the retired peace officer shall be issued a firearms 456
requalification certification that identifies the retired peace 457
officer by name, identifies the entity that taught the program, 458
specifies that the retired peace officer successfully completed 459
the program, specifies the date on which the course was 460
successfully completed, and specifies that the requalification 461
is valid for five years from that date of successful completion. 462
The firearms requalification certification for a retired peace 463
officer may be included in the retired peace officer 464
identification card issued to the retired peace officer under 465
division (F)(2) of this section. 466

A retired peace officer who attends a firearms 467
requalification program that is approved for purposes of 468
firearms requalification required under section 109.801 of the 469

Revised Code may be required to pay the cost of the program. 470

(G) As used in this section: 471

(1) "Qualified retired peace officer" means a person who 472
satisfies all of the following: 473

(a) The person satisfies the criteria set forth in 474
divisions (F) (2) (a) (i) to (v) of this section. 475

(b) The person is not under the influence of alcohol or 476
another intoxicating or hallucinatory drug or substance. 477

(c) The person is not prohibited by federal law from 478
receiving firearms. 479

(2) "Retired peace officer identification card" means an 480
identification card that is issued pursuant to division (F) (2) 481
of this section to a person who is a retired peace officer. 482

(3) "Government facility of this state or a political 483
subdivision of this state" means any of the following: 484

(a) A building or part of a building that is owned or 485
leased by the government of this state or a political 486
subdivision of this state and where employees of the government 487
of this state or the political subdivision regularly are present 488
for the purpose of performing their official duties as employees 489
of the state or political subdivision; 490

(b) The office of a deputy registrar serving pursuant to 491
Chapter 4503. of the Revised Code that is used to perform deputy 492
registrar functions. 493

(4) "Governing body" has the same meaning as in section 494
154.01 of the Revised Code. 495

(5) "Validating identification" means photographic 496

identification issued by the agency for which an individual 497
serves as a peace officer that identifies the individual as a 498
peace officer of the agency. 499

Sec. 2923.1214. (A) An establishment serving the public 500
may not prohibit or restrict a law enforcement officer or 501
investigator who is carrying validating identification from 502
carrying a weapon on the premises that the officer or 503
investigator is authorized to carry, regardless of whether the 504
officer or investigator is acting within the scope of that 505
officer's or investigator's duties while carrying the weapon. 506

(B) (1) Subject to division (B) (2) of this section, the 507
owner of an establishment serving the public, the operator of an 508
establishment serving the public, and the employer of persons 509
employed at an establishment serving the public shall be immune 510
from liability in a civil action for injury, death, or loss to 511
person or property that allegedly was caused by or related to a 512
law enforcement officer or investigator bringing a weapon into 513
the establishment or onto the premises of the establishment. 514

(2) The immunity provided in division (B) (1) of this 515
section is not available to an owner, operator, or employer of 516
an establishment serving the public with respect to injury, 517
death, or loss to person or property of the type described in 518
that division if the owner, operator, or employer engaged in an 519
act or omission that contributed to the injury, death, or loss 520
and the owner's, operator's, or employer's act or omission was 521
with malicious purpose, in bad faith, or in a wanton or reckless 522
manner. 523

(C) As used in this section: 524

(1) "Establishment serving the public" means a hotel, a 525

restaurant or other place where food is regularly offered for 526
sale, a retail business or other commercial establishment or 527
office building that is open to the public, a sports venue, or 528
any other place of public accommodation, amusement, or resort 529
that is open to the public. 530

(2) "Hotel" has the same meaning as in section 3731.01 of 531
the Revised Code. 532

(3) "Sports venue" means any arena, stadium, or other 533
facility that is used primarily as a venue for sporting and 534
athletic events for which admission is charged. 535

(4) "Investigator" has the same meaning as in section 536
109.541 of the Revised Code. 537

(5) "Validating identification" has the same meaning as in 538
section 2923.121 of the Revised Code. 539

Section 2. That existing sections 2923.121 and 2923.126 of 540
the Revised Code are hereby repealed. 541