

**As Introduced**

**133rd General Assembly**

**Regular Session**

**2019-2020**

**H. B. No. 425**

**Representative Wiggam**

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

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**A BILL**

To amend sections 2923.12, 2923.126, 2923.128, and 1  
2923.16 of the Revised Code to modify the 2  
requirement that a concealed handgun licensee 3  
must notify a law enforcement officer that the 4  
licensee is authorized to carry a concealed 5  
handgun and is carrying a concealed handgun when 6  
stopped. 7

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

**Section 1.** That sections 2923.12, 2923.126, 2923.128, and 8  
2923.16 of the Revised Code be amended to read as follows: 9

**Sec. 2923.12.** (A) No person shall knowingly carry or have, 10  
concealed on the person's person or concealed ready at hand, any 11  
of the following: 12

(1) A deadly weapon other than a handgun; 13

(2) A handgun other than a dangerous ordnance; 14

(3) A dangerous ordnance. 15

(B) No person who has been issued a concealed handgun 16

license shall do any of the following: 17

(1) If the person is stopped for a law enforcement purpose 18  
and is carrying a concealed handgun, before or at the time a law 19  
enforcement officer requests the person's driver's license or 20  
state identification card, fail to promptly do all of the 21  
following: 22

(a) Display the person's concealed handgun license or 23  
orally inform any the law enforcement officer who approaches the 24  
person after the person has been stopped that the person has 25  
been issued a concealed handgun license and; 26

(b) Display the person's driver's license or state 27  
identification card; 28

(c) Disclose that the person then is carrying a concealed 29  
handgun~~+~~. 30

(2) If the person is stopped for a law enforcement purpose 31  
and is carrying a concealed handgun, knowingly fail to keep the 32  
person's hands in plain sight at any time after any law 33  
enforcement officer begins approaching the person while stopped 34  
and before the law enforcement officer leaves, unless the 35  
failure is pursuant to and in accordance with directions given 36  
by a law enforcement officer; 37

(3) If the person is stopped for a law enforcement 38  
purpose, if the person is carrying a concealed handgun, and if 39  
the person is approached by any law enforcement officer while 40  
stopped, knowingly remove or attempt to remove the loaded 41  
handgun from the holster, pocket, or other place in which the 42  
person is carrying it, knowingly grasp or hold the loaded 43  
handgun, or knowingly have contact with the loaded handgun by 44  
touching it with the person's hands or fingers at any time after 45

the law enforcement officer begins approaching and before the 46  
law enforcement officer leaves, unless the person removes, 47  
attempts to remove, grasps, holds, or has contact with the 48  
loaded handgun pursuant to and in accordance with directions 49  
given by the law enforcement officer; 50

(4) If the person is stopped for a law enforcement purpose 51  
and is carrying a concealed handgun, knowingly disregard or fail 52  
to comply with any lawful order of any law enforcement officer 53  
given while the person is stopped, including, but not limited 54  
to, a specific order to the person to keep the person's hands in 55  
plain sight. 56

(C) (1) This section does not apply to any of the 57  
following: 58

(a) An officer, agent, or employee of this or any other 59  
state or the United States, or to a law enforcement officer, who 60  
is authorized to carry concealed weapons or dangerous ordnance 61  
or is authorized to carry handguns and is acting within the 62  
scope of the officer's, agent's, or employee's duties; 63

(b) Any person who is employed in this state, who is 64  
authorized to carry concealed weapons or dangerous ordnance or 65  
is authorized to carry handguns, and who is subject to and in 66  
compliance with the requirements of section 109.801 of the 67  
Revised Code, unless the appointing authority of the person has 68  
expressly specified that the exemption provided in division (C) 69  
(1) (b) of this section does not apply to the person; 70

(c) A person's transportation or storage of a firearm, 71  
other than a firearm described in divisions (G) to (M) of 72  
section 2923.11 of the Revised Code, in a motor vehicle for any 73  
lawful purpose if the firearm is not on the actor's person; 74

(d) A person's storage or possession of a firearm, other 75  
than a firearm described in divisions (G) to (M) of section 76  
2923.11 of the Revised Code, in the actor's own home for any 77  
lawful purpose. 78

(2) Division (A)(2) of this section does not apply to any 79  
person who, at the time of the alleged carrying or possession of 80  
a handgun, either is carrying a valid concealed handgun license 81  
or is an active duty member of the armed forces of the United 82  
States and is carrying a valid military identification card and 83  
documentation of successful completion of firearms training that 84  
meets or exceeds the training requirements described in division 85  
(G)(1) of section 2923.125 of the Revised Code, unless the 86  
person knowingly is in a place described in division (B) of 87  
section 2923.126 of the Revised Code. 88

(D) It is an affirmative defense to a charge under 89  
division (A)(1) of this section of carrying or having control of 90  
a weapon other than a handgun and other than a dangerous 91  
ordnance that the actor was not otherwise prohibited by law from 92  
having the weapon and that any of the following applies: 93

(1) The weapon was carried or kept ready at hand by the 94  
actor for defensive purposes while the actor was engaged in or 95  
was going to or from the actor's lawful business or occupation, 96  
which business or occupation was of a character or was 97  
necessarily carried on in a manner or at a time or place as to 98  
render the actor particularly susceptible to criminal attack, 99  
such as would justify a prudent person in going armed. 100

(2) The weapon was carried or kept ready at hand by the 101  
actor for defensive purposes while the actor was engaged in a 102  
lawful activity and had reasonable cause to fear a criminal 103  
attack upon the actor, a member of the actor's family, or the 104

actor's home, such as would justify a prudent person in going 105  
armed. 106

(3) The weapon was carried or kept ready at hand by the 107  
actor for any lawful purpose and while in the actor's own home. 108

(E) No person who is charged with a violation of this 109  
section shall be required to obtain a concealed handgun license 110  
as a condition for the dismissal of the charge. 111

(F) (1) Whoever violates this section is guilty of carrying 112  
concealed weapons. Except as otherwise provided in this division 113  
or divisions (F) (2), (6), and (7) of this section, carrying 114  
concealed weapons in violation of division (A) of this section 115  
is a misdemeanor of the first degree. Except as otherwise 116  
provided in this division or divisions (F) (2), (6), and (7) of 117  
this section, if the offender previously has been convicted of a 118  
violation of this section or of any offense of violence, if the 119  
weapon involved is a firearm that is either loaded or for which 120  
the offender has ammunition ready at hand, or if the weapon 121  
involved is dangerous ordnance, carrying concealed weapons in 122  
violation of division (A) of this section is a felony of the 123  
fourth degree. Except as otherwise provided in divisions (F) (2) 124  
and (6) of this section, if the offense is committed aboard an 125  
aircraft, or with purpose to carry a concealed weapon aboard an 126  
aircraft, regardless of the weapon involved, carrying concealed 127  
weapons in violation of division (A) of this section is a felony 128  
of the third degree. 129

(2) Except as provided in division (F) (6) of this section, 130  
if a person being arrested for a violation of division (A) (2) of 131  
this section promptly produces a valid concealed handgun 132  
license, and if at the time of the violation the person was not 133  
knowingly in a place described in division (B) of section 134

2923.126 of the Revised Code, the officer shall not arrest the person for a violation of that division. If the person is not able to promptly produce any concealed handgun license and if the person is not in a place described in that section, the officer may arrest the person for a violation of that division, and the offender shall be punished as follows:

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

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

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

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

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

(ii) Within forty-five days after the arrest, the offender presents a concealed handgun license to the law enforcement agency that employed the arresting officer, and the offender waives in writing the offender's right to a speedy trial on the charge of the violation that is provided in section 2945.71 of the Revised Code.

(iii) At the time of the commission of the offense, the offender was not knowingly in a place described in division (B)

of section 2923.126 of the Revised Code. 164

(c) If divisions (F)(2)(a) and (b) and (F)(6) of this 165  
section do not apply, the offender shall be punished under 166  
division (F)(1) or (7) of this section. 167

(3) ~~Except as otherwise provided in this division,~~ 168  
~~carrying concealed weapons in violation of division (B)(1) of~~ 169  
~~this section is a misdemeanor of the first degree, and, in~~ 170  
~~addition to any other penalty or sanction imposed for a~~ 171  
~~violation of division (B)(1) of this section, the offender's~~ 172  
~~concealed handgun license shall be suspended pursuant to~~ 173  
~~division (A)(2) of section 2923.128 of the Revised Code. If, at~~ 174  
~~the time of the stop of the offender for a law enforcement~~ 175  
~~purpose that was the basis of the violation, any law enforcement~~ 176  
~~officer involved with the stop had actual knowledge that the~~ 177  
~~offender has been issued a concealed handgun license, carrying~~ 178  
Carrying concealed weapons in violation of division (B)(1) of 179  
this section is a minor an unclassified misdemeanor, and the 180  
offender's concealed handgun license shall not be suspended 181  
pursuant to division (A)(2) of section 2923.128 of the Revised 182  
Code and the offender may be subject to a fine of not more than 183  
twenty-five dollars. 184

(4) Carrying concealed weapons in violation of division 185  
(B)(2) or (4) of this section is a misdemeanor of the first 186  
degree or, if the offender previously has been convicted of or 187  
pleaded guilty to a violation of division (B)(2) or (4) of this 188  
section, a felony of the fifth degree. In addition to any other 189  
penalty or sanction imposed for a misdemeanor violation of 190  
division (B)(2) or (4) of this section, the offender's concealed 191  
handgun license shall be suspended pursuant to division (A)(2) 192  
of section 2923.128 of the Revised Code. 193

(5) Carrying concealed weapons in violation of division 194  
(B) (3) of this section is a felony of the fifth degree. 195

(6) If a person being arrested for a violation of division 196  
(A) (2) of this section is an active duty member of the armed 197  
forces of the United States and is carrying a valid military 198  
identification card and documentation of successful completion 199  
of firearms training that meets or exceeds the training 200  
requirements described in division (G) (1) of section 2923.125 of 201  
the Revised Code, and if at the time of the violation the person 202  
was not knowingly in a place described in division (B) of 203  
section 2923.126 of the Revised Code, the officer shall not 204  
arrest the person for a violation of that division. If the 205  
person is not able to promptly produce a valid military 206  
identification card and documentation of successful completion 207  
of firearms training that meets or exceeds the training 208  
requirements described in division (G) (1) of section 2923.125 of 209  
the Revised Code and if the person is not in a place described 210  
in division (B) of section 2923.126 of the Revised Code, the 211  
officer shall issue a citation and the offender shall be 212  
assessed a civil penalty of not more than five hundred dollars. 213  
The citation shall be automatically dismissed and the civil 214  
penalty shall not be assessed if both of the following apply: 215

(a) Within ten days after the issuance of the citation, 216  
the offender presents a valid military identification card and 217  
documentation of successful completion of firearms training that 218  
meets or exceeds the training requirements described in division 219  
(G) (1) of section 2923.125 of the Revised Code, which were both 220  
valid at the time of the issuance of the citation to the law 221  
enforcement agency that employs the citing officer. 222

(b) At the time of the citation, the offender was not 223



knowingly in a place described in division (B) of section 224  
2923.126 of the Revised Code. 225

(7) If a person being arrested for a violation of division 226  
(A) (2) of this section is knowingly in a place described in 227  
division (B) (5) of section 2923.126 of the Revised Code and is 228  
not authorized to carry a handgun or have a handgun concealed on 229  
the person's person or concealed ready at hand under that 230  
division, the penalty shall be as follows: 231

(a) Except as otherwise provided in this division, if the 232  
person produces a valid concealed handgun license within ten 233  
days after the arrest and has not previously been convicted or 234  
pleaded guilty to a violation of division (A) (2) of this 235  
section, the person is guilty of a minor misdemeanor; 236

(b) Except as otherwise provided in this division, if the 237  
person has previously been convicted of or pleaded guilty to a 238  
violation of division (A) (2) of this section, the person is 239  
guilty of a misdemeanor of the fourth degree; 240

(c) Except as otherwise provided in this division, if the 241  
person has previously been convicted of or pleaded guilty to two 242  
violations of division (A) (2) of this section, the person is 243  
guilty of a misdemeanor of the third degree; 244

(d) Except as otherwise provided in this division, if the 245  
person has previously been convicted of or pleaded guilty to 246  
three or more violations of division (A) (2) of this section, or 247  
convicted of or pleaded guilty to any offense of violence, if 248  
the weapon involved is a firearm that is either loaded or for 249  
which the offender has ammunition ready at hand, or if the 250  
weapon involved is a dangerous ordnance, the person is guilty of 251  
a misdemeanor of the second degree. 252

(G) If a law enforcement officer stops a person to 253  
question the person regarding a possible violation of this 254  
section, for a traffic stop, or for any other law enforcement 255  
purpose, if the person surrenders a firearm to the officer, 256  
either voluntarily or pursuant to a request or demand of the 257  
officer, and if the officer does not charge the person with a 258  
violation of this section or arrest the person for any offense, 259  
the person is not otherwise prohibited by law from possessing 260  
the firearm, and the firearm is not contraband, the officer 261  
shall return the firearm to the person at the termination of the 262  
stop. If a court orders a law enforcement officer to return a 263  
firearm to a person pursuant to the requirement set forth in 264  
this division, division (B) of section 2923.163 of the Revised 265  
Code applies. 266

**Sec. 2923.126.** (A) (1) A concealed handgun license that is 267  
issued under section 2923.125 of the Revised Code shall expire 268  
five years after the date of issuance. A licensee who has been 269  
issued a license under that section shall be granted a grace 270  
period of thirty days after the licensee's license expires 271  
during which the licensee's license remains valid. Except as 272  
provided in divisions (B) and (C) of this section, a licensee 273  
who has been issued a concealed handgun license under section 274  
2923.125 or 2923.1213 of the Revised Code may carry a concealed 275  
handgun anywhere in this state if the licensee also carries a 276  
valid license when the licensee is in actual possession of a 277  
concealed handgun. The licensee shall give notice of any change 278  
in the licensee's residence address to the sheriff who issued 279  
the license within forty-five days after that change. 280

(2) If a licensee is the driver or an occupant of a motor 281  
vehicle that is stopped as the result of a traffic stop or a 282  
stop for another law enforcement purpose and if the licensee is 283

transporting or has a loaded handgun in the motor vehicle at 284  
that time, before or at the time a law enforcement officer 285  
requests the licensee's driver's license or state identification 286  
card, the licensee shall ~~promptly display the licensee's~~ 287  
concealed handgun license or orally inform ~~any the~~ law 288  
enforcement officer ~~who approaches the vehicle while stopped~~ 289  
that the licensee has been issued a concealed handgun license, 290  
display the licensee's driver's license or state identification 291  
card, and disclose that the licensee currently possesses or has 292  
a loaded handgun; the licensee shall not knowingly disregard or 293  
fail to comply with lawful orders of a law enforcement officer 294  
given while the motor vehicle is stopped, knowingly fail to 295  
remain in the motor vehicle while stopped, or knowingly fail to 296  
keep the licensee's hands in plain sight after any law 297  
enforcement officer begins approaching the licensee while 298  
stopped and before the officer leaves, unless directed otherwise 299  
by a law enforcement officer; and the licensee shall not 300  
knowingly have contact with the loaded handgun by touching it 301  
with the licensee's hands or fingers, in any manner in violation 302  
of division (E) of section 2923.16 of the Revised Code, after 303  
any law enforcement officer begins approaching the licensee 304  
while stopped and before the officer leaves. ~~Additionally, if~~ 305

(3) If a licensee is the driver or an occupant of a 306  
commercial motor vehicle that is stopped by an employee of the 307  
motor carrier enforcement unit for the purposes defined in 308  
section 5503.34 of the Revised Code and the licensee is 309  
transporting or has a loaded handgun in the commercial motor 310  
vehicle at that time, before or at the time an employee of the 311  
motor carrier enforcement unit requests the licensee's driver's 312  
license or state identification card, the licensee shall 313  
~~promptly display the licensee's concealed handgun license or~~ 314

~~orally~~ inform the employee of the unit ~~who approaches the~~ 315  
~~vehicle while stopped~~ that the licensee has been issued a 316  
concealed handgun license, display the licensee's driver's 317  
license or state identification card, and disclose that the 318  
licensee currently possesses or has a loaded handgun. 319

(4) If a licensee is stopped for a law enforcement purpose 320  
and if the licensee is carrying a concealed handgun at the time 321  
the officer approaches, before or at the time a law enforcement 322  
officer requests the licensee's driver's license or state 323  
identification card, the licensee shall ~~promptly display the~~ 324  
licensee's concealed handgun license or orally inform any the 325  
law enforcement officer ~~who approaches the licensee while~~ 326  
~~stopped~~ that the licensee has been issued a concealed handgun 327  
license, display the licensee's driver's license or state 328  
identification card, and disclose that the licensee currently is 329  
carrying a concealed handgun; the licensee shall not knowingly 330  
disregard or fail to comply with lawful orders of a law 331  
enforcement officer given while the licensee is stopped, or 332  
knowingly fail to keep the licensee's hands in plain sight after 333  
any law enforcement officer begins approaching the licensee 334  
while stopped and before the officer leaves, unless directed 335  
otherwise by a law enforcement officer; and the licensee shall 336  
not knowingly remove, attempt to remove, grasp, or hold the 337  
loaded handgun or knowingly have contact with the loaded handgun 338  
by touching it with the licensee's hands or fingers, in any 339  
manner in violation of division (B) of section 2923.12 of the 340  
Revised Code, after any law enforcement officer begins 341  
approaching the licensee while stopped and before the officer 342  
leaves. 343

(B) A valid concealed handgun license does not authorize 344  
the licensee to carry a concealed handgun in any manner 345

prohibited under division (B) of section 2923.12 of the Revised 346  
Code or in any manner prohibited under section 2923.16 of the 347  
Revised Code. A valid license does not authorize the licensee to 348  
carry a concealed handgun into any of the following places: 349

(1) A police station, sheriff's office, or state highway 350  
patrol station, premises controlled by the bureau of criminal 351  
identification and investigation; a state correctional 352  
institution, jail, workhouse, or other detention facility; any 353  
area of an airport passenger terminal that is beyond a passenger 354  
or property screening checkpoint or to which access is 355  
restricted through security measures by the airport authority or 356  
a public agency; or an institution that is maintained, operated, 357  
managed, and governed pursuant to division (A) of section 358  
5119.14 of the Revised Code or division (A) (1) of section 359  
5123.03 of the Revised Code; 360

(2) A school safety zone if the licensee's carrying the 361  
concealed handgun is in violation of section 2923.122 of the 362  
Revised Code; 363

(3) A courthouse or another building or structure in which 364  
a courtroom is located if the licensee's carrying the concealed 365  
handgun is in violation of section 2923.123 of the Revised Code; 366

(4) Any premises or open air arena for which a D permit 367  
has been issued under Chapter 4303. of the Revised Code if the 368  
licensee's carrying the concealed handgun is in violation of 369  
section 2923.121 of the Revised Code; 370

(5) Any premises owned or leased by any public or private 371  
college, university, or other institution of higher education, 372  
unless the handgun is in a locked motor vehicle or the licensee 373  
is in the immediate process of placing the handgun in a locked 374

motor vehicle or unless the licensee is carrying the concealed 375  
handgun pursuant to a written policy, rule, or other 376  
authorization that is adopted by the institution's board of 377  
trustees or other governing body and that authorizes specific 378  
individuals or classes of individuals to carry a concealed 379  
handgun on the premises; 380

(6) Any church, synagogue, mosque, or other place of 381  
worship, unless the church, synagogue, mosque, or other place of 382  
worship posts or permits otherwise; 383

(7) Any building that is a government facility of this 384  
state or a political subdivision of this state and that is not a 385  
building that is used primarily as a shelter, restroom, parking 386  
facility for motor vehicles, or rest facility and is not a 387  
courthouse or other building or structure in which a courtroom 388  
is located that is subject to division (B)(3) of this section, 389  
unless the governing body with authority over the building has 390  
enacted a statute, ordinance, or policy that permits a licensee 391  
to carry a concealed handgun into the building; 392

(8) A place in which federal law prohibits the carrying of 393  
handguns. 394

(C)(1) Nothing in this section shall negate or restrict a 395  
rule, policy, or practice of a private employer that is not a 396  
private college, university, or other institution of higher 397  
education concerning or prohibiting the presence of firearms on 398  
the private employer's premises or property, including motor 399  
vehicles owned by the private employer. Nothing in this section 400  
shall require a private employer of that nature to adopt a rule, 401  
policy, or practice concerning or prohibiting the presence of 402  
firearms on the private employer's premises or property, 403  
including motor vehicles owned by the private employer. 404

(2) (a) A private employer shall be immune from liability 405  
in a civil action for any injury, death, or loss to person or 406  
property that allegedly was caused by or related to a licensee 407  
bringing a handgun onto the premises or property of the private 408  
employer, including motor vehicles owned by the private 409  
employer, unless the private employer acted with malicious 410  
purpose. A private employer is immune from liability in a civil 411  
action for any injury, death, or loss to person or property that 412  
allegedly was caused by or related to the private employer's 413  
decision to permit a licensee to bring, or prohibit a licensee 414  
from bringing, a handgun onto the premises or property of the 415  
private employer. 416

(b) A political subdivision shall be immune from liability 417  
in a civil action, to the extent and in the manner provided in 418  
Chapter 2744. of the Revised Code, for any injury, death, or 419  
loss to person or property that allegedly was caused by or 420  
related to a licensee bringing a handgun onto any premises or 421  
property owned, leased, or otherwise under the control of the 422  
political subdivision. As used in this division, "political 423  
subdivision" has the same meaning as in section 2744.01 of the 424  
Revised Code. 425

(c) An institution of higher education shall be immune 426  
from liability in a civil action for any injury, death, or loss 427  
to person or property that allegedly was caused by or related to 428  
a licensee bringing a handgun onto the premises of the 429  
institution, including motor vehicles owned by the institution, 430  
unless the institution acted with malicious purpose. An 431  
institution of higher education is immune from liability in a 432  
civil action for any injury, death, or loss to person or 433  
property that allegedly was caused by or related to the 434  
institution's decision to permit a licensee or class of 435

licensees to bring a handgun onto the premises of the 436  
institution. 437

(3) (a) Except as provided in division (C) (3) (b) of this 438  
section and section 2923.1214 of the Revised Code, the owner or 439  
person in control of private land or premises, and a private 440  
person or entity leasing land or premises owned by the state, 441  
the United States, or a political subdivision of the state or 442  
the United States, may post a sign in a conspicuous location on 443  
that land or on those premises prohibiting persons from carrying 444  
firearms or concealed firearms on or onto that land or those 445  
premises. Except as otherwise provided in this division, a 446  
person who knowingly violates a posted prohibition of that 447  
nature is guilty of criminal trespass in violation of division 448  
(A) (4) of section 2911.21 of the Revised Code and is guilty of a 449  
misdemeanor of the fourth degree. If a person knowingly violates 450  
a posted prohibition of that nature and the posted land or 451  
premises primarily was a parking lot or other parking facility, 452  
the person is not guilty of criminal trespass under section 453  
2911.21 of the Revised Code or under any other criminal law of 454  
this state or criminal law, ordinance, or resolution of a 455  
political subdivision of this state, and instead is subject only 456  
to a civil cause of action for trespass based on the violation. 457

If a person knowingly violates a posted prohibition of the 458  
nature described in this division and the posted land or 459  
premises is a child day-care center, type A family day-care 460  
home, or type B family day-care home, unless the person is a 461  
licensee who resides in a type A family day-care home or type B 462  
family day-care home, the person is guilty of aggravated 463  
trespass in violation of section 2911.211 of the Revised Code. 464  
Except as otherwise provided in this division, the offender is 465  
guilty of a misdemeanor of the first degree. If the person 466



previously has been convicted of a violation of this division or 467  
of any offense of violence, if the weapon involved is a firearm 468  
that is either loaded or for which the offender has ammunition 469  
ready at hand, or if the weapon involved is dangerous ordnance, 470  
the offender is guilty of a felony of the fourth degree. 471

(b) A landlord may not prohibit or restrict a tenant who 472  
is a licensee and who on or after September 9, 2008, enters into 473  
a rental agreement with the landlord for the use of residential 474  
premises, and the tenant's guest while the tenant is present, 475  
from lawfully carrying or possessing a handgun on those 476  
residential premises. 477

(c) As used in division (C) (3) of this section: 478

(i) "Residential premises" has the same meaning as in 479  
section 5321.01 of the Revised Code, except "residential 480  
premises" does not include a dwelling unit that is owned or 481  
operated by a college or university. 482

(ii) "Landlord," "tenant," and "rental agreement" have the 483  
same meanings as in section 5321.01 of the Revised Code. 484

(D) A person who holds a valid concealed handgun license 485  
issued by another state that is recognized by the attorney 486  
general pursuant to a reciprocity agreement entered into 487  
pursuant to section 109.69 of the Revised Code or a person who 488  
holds a valid concealed handgun license under the circumstances 489  
described in division (B) of section 109.69 of the Revised Code 490  
has the same right to carry a concealed handgun in this state as 491  
a person who was issued a concealed handgun license under 492  
section 2923.125 of the Revised Code and is subject to the same 493  
restrictions that apply to a person who carries a license issued 494  
under that section. 495

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

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

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

(F) (1) A qualified retired peace officer who possesses a  
retired peace officer identification card issued pursuant to  
division (F) (2) of this section and a valid firearms  
requalification certification issued pursuant to division (F) (3)  
of this section has the same right to carry a concealed handgun  
in this state as a person who was issued a concealed handgun  
license under section 2923.125 of the Revised Code and is  
subject to the same restrictions that apply to a person who

carries a license issued under that section. For purposes of 526  
reciprocity with other states, a qualified retired peace officer 527  
who possesses a retired peace officer identification card issued 528  
pursuant to division (F)(2) of this section and a valid firearms 529  
requalification certification issued pursuant to division (F)(3) 530  
of this section shall be considered to be a licensee in this 531  
state. 532

(2) (a) Each public agency of this state or of a political 533  
subdivision of this state that is served by one or more peace 534  
officers shall issue a retired peace officer identification card 535  
to any person who retired from service as a peace officer with 536  
that agency, if the issuance is in accordance with the agency's 537  
policies and procedures and if the person, with respect to the 538  
person's service with that agency, satisfies all of the 539  
following: 540

(i) The person retired in good standing from service as a 541  
peace officer with the public agency, and the retirement was not 542  
for reasons of mental instability. 543

(ii) Before retiring from service as a peace officer with 544  
that agency, the person was authorized to engage in or supervise 545  
the prevention, detection, investigation, or prosecution of, or 546  
the incarceration of any person for, any violation of law and 547  
the person had statutory powers of arrest. 548

(iii) At the time of the person's retirement as a peace 549  
officer with that agency, the person was trained and qualified 550  
to carry firearms in the performance of the peace officer's 551  
duties. 552

(iv) Before retiring from service as a peace officer with 553  
that agency, the person was regularly employed as a peace 554

officer for an aggregate of fifteen years or more, or, in the 555  
alternative, the person retired from service as a peace officer 556  
with that agency, after completing any applicable probationary 557  
period of that service, due to a service-connected disability, 558  
as determined by the agency. 559

(b) A retired peace officer identification card issued to 560  
a person under division (F)(2)(a) of this section shall identify 561  
the person by name, contain a photograph of the person, identify 562  
the public agency of this state or of the political subdivision 563  
of this state from which the person retired as a peace officer 564  
and that is issuing the identification card, and specify that 565  
the person retired in good standing from service as a peace 566  
officer with the issuing public agency and satisfies the 567  
criteria set forth in divisions (F)(2)(a)(i) to (iv) of this 568  
section. In addition to the required content specified in this 569  
division, a retired peace officer identification card issued to 570  
a person under division (F)(2)(a) of this section may include 571  
the firearms requalification certification described in division 572  
(F)(3) of this section, and if the identification card includes 573  
that certification, the identification card shall serve as the 574  
firearms requalification certification for the retired peace 575  
officer. If the issuing public agency issues credentials to 576  
active law enforcement officers who serve the agency, the agency 577  
may comply with division (F)(2)(a) of this section by issuing 578  
the same credentials to persons who retired from service as a 579  
peace officer with the agency and who satisfy the criteria set 580  
forth in divisions (F)(2)(a)(i) to (iv) of this section, 581  
provided that the credentials so issued to retired peace 582  
officers are stamped with the word "RETIRED." 583

(c) A public agency of this state or of a political 584  
subdivision of this state may charge persons who retired from 585

service as a peace officer with the agency a reasonable fee for 586  
issuing to the person a retired peace officer identification 587  
card pursuant to division (F)(2)(a) of this section. 588

(3) If a person retired from service as a peace officer 589  
with a public agency of this state or of a political subdivision 590  
of this state and the person satisfies the criteria set forth in 591  
divisions (F)(2)(a)(i) to (iv) of this section, the public 592  
agency may provide the retired peace officer with the 593  
opportunity to attend a firearms requalification program that is 594  
approved for purposes of firearms requalification required under 595  
section 109.801 of the Revised Code. The retired peace officer 596  
may be required to pay the cost of the course. 597

If a retired peace officer who satisfies the criteria set 598  
forth in divisions (F)(2)(a)(i) to (iv) of this section attends 599  
a firearms requalification program that is approved for purposes 600  
of firearms requalification required under section 109.801 of 601  
the Revised Code, the retired peace officer's successful 602  
completion of the firearms requalification program requalifies 603  
the retired peace officer for purposes of division (F) of this 604  
section for five years from the date on which the program was 605  
successfully completed, and the requalification is valid during 606  
that five-year period. If a retired peace officer who satisfies 607  
the criteria set forth in divisions (F)(2)(a)(i) to (iv) of this 608  
section satisfactorily completes such a firearms requalification 609  
program, the retired peace officer shall be issued a firearms 610  
requalification certification that identifies the retired peace 611  
officer by name, identifies the entity that taught the program, 612  
specifies that the retired peace officer successfully completed 613  
the program, specifies the date on which the course was 614  
successfully completed, and specifies that the requalification 615  
is valid for five years from that date of successful completion. 616

The firearms requalification certification for a retired peace officer may be included in the retired peace officer identification card issued to the retired peace officer under division (F) (2) of this section.

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

(G) As used in this section:

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

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

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

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

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

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

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

(b) The office of a deputy registrar serving pursuant to 645  
Chapter 4503. of the Revised Code that is used to perform deputy 646  
registrar functions. 647

(4) "Governing body" has the same meaning as in section 648  
154.01 of the Revised Code. 649

(5) "Tactical medical professional" has the same meaning 650  
as in section 109.71 of the Revised Code. 651

(6) "Validating identification" means photographic 652  
identification issued by the agency for which an individual 653  
serves as a peace officer that identifies the individual as a 654  
peace officer of the agency. 655

**Sec. 2923.128.** (A) (1) (a) If a licensee holding a valid 656  
concealed handgun license is arrested for or otherwise charged 657  
with an offense described in division (D) (1) (d) of section 658  
2923.125 of the Revised Code or with a violation of section 659  
2923.15 of the Revised Code or becomes subject to a temporary 660  
protection order or to a protection order issued by a court of 661  
another state that is substantially equivalent to a temporary 662  
protection order, the sheriff who issued the license shall 663  
suspend it and shall comply with division (A) (3) of this section 664  
upon becoming aware of the arrest, charge, or protection order. 665  
Upon suspending the license, the sheriff also shall comply with 666  
division (H) of section 2923.125 of the Revised Code. 667

(b) A suspension under division (A) (1) (a) of this section 668  
shall be considered as beginning on the date that the licensee 669  
is arrested for or otherwise charged with an offense described 670  
in that division or on the date the appropriate court issued the 671  
protection order described in that division, irrespective of 672  
when the sheriff notifies the licensee under division (A) (3) of 673

this section. The suspension shall end on the date on which the  
charges are dismissed or the licensee is found not guilty of the  
offense described in division (A) (1) (a) of this section or,  
subject to division (B) of this section, on the date the  
appropriate court terminates the protection order described in  
that division. If the suspension so ends, the sheriff shall  
return the license or temporary emergency license to the  
licensee.

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

(b) A suspension under division (A) (2) (a) of this section  
shall be considered as beginning on the date that the licensee  
is convicted of or pleads guilty to the offense described in  
that division, irrespective of when the sheriff notifies the  
licensee under division (A) (3) of this section. If the  
suspension is imposed for a misdemeanor violation of division  
(B) ~~(1) or (2)~~ of section 2923.12 of the Revised Code or of  
division (E) ~~(1), (2), or (3)~~ of section 2923.16 of the Revised  
Code, it shall end on the date that is one year after the date  
that the licensee is convicted of or pleads guilty to that  
violation. If the suspension is imposed for a misdemeanor  
violation of division (B) (4) of section 2923.12 of the Revised



Code or of division (E) (5) of section 2923.16 of the Revised 705  
Code, it shall end on the date that is two years after the date 706  
that the licensee is convicted of or pleads guilty to that 707  
violation. If the licensee's license was issued under section 708  
2923.125 of the Revised Code and the license remains valid after 709  
the suspension ends as described in this division, when the 710  
suspension ends, the sheriff shall return the license to the 711  
licensee. If the licensee's license was issued under section 712  
2923.125 of the Revised Code and the license expires before the 713  
suspension ends as described in this division, or if the 714  
licensee's license was issued under section 2923.1213 of the 715  
Revised Code, the licensee is not eligible to apply for a new 716  
license under section 2923.125 or 2923.1213 of the Revised Code 717  
or to renew the license under section 2923.125 of the Revised 718  
Code until after the suspension ends as described in this 719  
division. 720

~~(c) The license of a licensee who is convicted of or 721  
pleads guilty to a violation of division (B) (1) of section 722  
2923.12 or division (E) (1) or (2) of section 2923.16 of the 723  
Revised Code shall not be suspended pursuant to division (A) (2) 724  
(a) of this section if, at the time of the stop of the licensee 725  
for a law enforcement purpose, for a traffic stop, or for a 726  
purpose defined in section 5503.34 of the Revised Code that was 727  
the basis of the violation, any law enforcement officer involved 728  
with the stop or the employee of the motor carrier enforcement 729  
unit who made the stop had actual knowledge of the licensee's 730  
status as a licensee. 731~~

(3) Upon becoming aware of an arrest, charge, or 732  
protection order described in division (A) (1) (a) of this section 733  
with respect to a licensee who was issued a concealed handgun 734  
license, or a conviction of or plea of guilty to a misdemeanor 735

offense described in division (A) (2) (a) of this section with 736  
respect to a licensee who was issued a concealed handgun license 737  
~~and with respect to which division (A) (2) (c) of this section~~ 738  
~~does not apply~~, subject to division (C) of this section, the 739  
sheriff who issued the licensee's license shall notify the 740  
licensee, by certified mail, return receipt requested, at the 741  
licensee's last known residence address that the license has 742  
been suspended and that the licensee is required to surrender 743  
the license at the sheriff's office within ten days of the date 744  
on which the notice was mailed. If the suspension is pursuant to 745  
division (A) (2) of this section, the notice shall identify the 746  
date on which the suspension ends. 747

(B) (1) A sheriff who issues a concealed handgun license to 748  
a licensee shall revoke the license in accordance with division 749  
(B) (2) of this section upon becoming aware that the licensee 750  
satisfies any of the following: 751

(a) The licensee is under twenty-one years of age. 752

(b) Subject to division (C) of this section, at the time 753  
of the issuance of the license, the licensee did not satisfy the 754  
eligibility requirements of division (D) (1) (c), (d), (e), (f), 755  
(g), or (h) of section 2923.125 of the Revised Code. 756

(c) Subject to division (C) of this section, on or after 757  
the date on which the license was issued, the licensee is 758  
convicted of or pleads guilty to a violation of section 2923.15 759  
of the Revised Code or an offense described in division (D) (1) 760  
(e), (f), (g), or (h) of section 2923.125 of the Revised Code. 761

(d) On or after the date on which the license was issued, 762  
the licensee becomes subject to a civil protection order or to a 763  
protection order issued by a court of another state that is 764

substantially equivalent to a civil protection order. 765

(e) The licensee knowingly carries a concealed handgun 766  
into a place that the licensee knows is an unauthorized place 767  
specified in division (B) of section 2923.126 of the Revised 768  
Code. 769

(f) On or after the date on which the license was issued, 770  
the licensee is adjudicated as a mental defective or is 771  
committed to a mental institution. 772

(g) At the time of the issuance of the license, the 773  
licensee did not meet the residency requirements described in 774  
division (D)(1) of section 2923.125 of the Revised Code and 775  
currently does not meet the residency requirements described in 776  
that division. 777

(h) Regarding a license issued under section 2923.125 of 778  
the Revised Code, the competency certificate the licensee 779  
submitted was forged or otherwise was fraudulent. 780

(2) Upon becoming aware of any circumstance listed in 781  
division (B)(1) of this section that applies to a particular 782  
licensee who was issued a concealed handgun license, subject to 783  
division (C) of this section, the sheriff who issued the license 784  
to the licensee shall notify the licensee, by certified mail, 785  
return receipt requested, at the licensee's last known residence 786  
address that the license is subject to revocation and that the 787  
licensee may come to the sheriff's office and contest the 788  
sheriff's proposed revocation within fourteen days of the date 789  
on which the notice was mailed. After the fourteen-day period 790  
and after consideration of any information that the licensee 791  
provides during that period, if the sheriff determines on the 792  
basis of the information of which the sheriff is aware that the 793

licensee is described in division (B) (1) of this section and no 794  
longer satisfies the requirements described in division (D) (1) 795  
of section 2923.125 of the Revised Code that are applicable to 796  
the licensee's type of license, the sheriff shall revoke the 797  
license, notify the licensee of that fact, and require the 798  
licensee to surrender the license. Upon revoking the license, 799  
the sheriff also shall comply with division (H) of section 800  
2923.125 of the Revised Code. 801

(C) If a sheriff who issues a concealed handgun license to 802  
a licensee becomes aware that at the time of the issuance of the 803  
license the licensee had been convicted of or pleaded guilty to 804  
an offense identified in division (D) (1) (e), (f), or (h) of 805  
section 2923.125 of the Revised Code or had been adjudicated a 806  
delinquent child for committing an act or violation identified 807  
in any of those divisions or becomes aware that on or after the 808  
date on which the license was issued the licensee has been 809  
convicted of or pleaded guilty to an offense identified in 810  
division (A) (2) (a) or (B) (1) (c) of this section, the sheriff 811  
shall not consider that conviction, guilty plea, or adjudication 812  
as having occurred for purposes of divisions (A) (2), (A) (3), (B) 813  
(1), and (B) (2) of this section if a court has ordered the 814  
sealing or expungement of the records of that conviction, guilty 815  
plea, or adjudication pursuant to sections 2151.355 to 2151.358 816  
or sections 2953.31 to 2953.36 of the Revised Code or the 817  
licensee has been relieved under operation of law or legal 818  
process from the disability imposed pursuant to section 2923.13 819  
of the Revised Code relative to that conviction, guilty plea, or 820  
adjudication. 821

(D) As used in this section, "motor carrier enforcement 822  
unit" has the same meaning as in section 2923.16 of the Revised 823  
Code. 824

**Sec. 2923.16.** (A) No person shall knowingly discharge a 825  
firearm while in or on a motor vehicle. 826

(B) No person shall knowingly transport or have a loaded 827  
firearm in a motor vehicle in such a manner that the firearm is 828  
accessible to the operator or any passenger without leaving the 829  
vehicle. 830

(C) No person shall knowingly transport or have a firearm 831  
in a motor vehicle, unless the person may lawfully possess that 832  
firearm under applicable law of this state or the United States, 833  
the firearm is unloaded, and the firearm is carried in one of 834  
the following ways: 835

(1) In a closed package, box, or case; 836

(2) In a compartment that can be reached only by leaving 837  
the vehicle; 838

(3) In plain sight and secured in a rack or holder made 839  
for the purpose; 840

(4) If the firearm is at least twenty-four inches in 841  
overall length as measured from the muzzle to the part of the 842  
stock furthest from the muzzle and if the barrel is at least 843  
eighteen inches in length, either in plain sight with the action 844  
open or the weapon stripped, or, if the firearm is of a type on 845  
which the action will not stay open or which cannot easily be 846  
stripped, in plain sight. 847

(D) No person shall knowingly transport or have a loaded 848  
handgun in a motor vehicle if, at the time of that 849  
transportation or possession, any of the following applies: 850

(1) The person is under the influence of alcohol, a drug 851  
of abuse, or a combination of them. 852

(2) The person's whole blood, blood serum or plasma, 853  
breath, or urine contains a concentration of alcohol, a listed 854  
controlled substance, or a listed metabolite of a controlled 855  
substance prohibited for persons operating a vehicle, as 856  
specified in division (A) of section 4511.19 of the Revised 857  
Code, regardless of whether the person at the time of the 858  
transportation or possession as described in this division is 859  
the operator of or a passenger in the motor vehicle. 860

(E) No person who has been issued a concealed handgun 861  
license or who is an active duty member of the armed forces of 862  
the United States and is carrying a valid military 863  
identification card and documentation of successful completion 864  
of firearms training that meets or exceeds the training 865  
requirements described in division (G)(1) of section 2923.125 of 866  
the Revised Code, who is the driver or an occupant of a motor 867  
vehicle that is stopped as a result of a traffic stop or a stop 868  
for another law enforcement purpose or is the driver or an 869  
occupant of a commercial motor vehicle that is stopped by an 870  
employee of the motor carrier enforcement unit for the purposes 871  
defined in section 5503.34 of the Revised Code, and who is 872  
transporting or has a loaded handgun in the motor vehicle or 873  
commercial motor vehicle in any manner, shall do any of the 874  
following: 875

(1) ~~Fail to promptly~~ Before or at the time a law 876  
enforcement officer requests the person's driver's license or 877  
state identification card, fail to do all of the following: 878

(a) Display the person's concealed handgun license or 879  
military identification card and documentation of successful 880  
completion of firearms training that meets or exceeds the 881  
training requirements described in division (G)(1) of section 882

2923.125 of the Revised Code or orally inform any the law 883  
enforcement officer who approaches the vehicle while stopped 884  
that the person has been issued a concealed handgun license or 885  
is authorized to carry a concealed handgun as an active duty 886  
member of the armed forces of the United States and; 887

(b) Display the person's driver's license or state 888  
identification card; 889

(c) Disclose that the person then possesses or has a 890  
loaded handgun in the motor vehicle~~+~~. 891

(2) Fail to promptly Before or at the time an employee of 892  
the motor carrier enforcement unit requests the person's 893  
driver's license or state identification card, fail to do all of 894  
the following: 895

(a) Display the person's concealed handgun license or 896  
military identification card and documentation of successful 897  
completion of firearms training that meets or exceeds the 898  
training requirements described in division (G)(1) of section 899  
2923.125 of the Revised Code or orally inform the employee of 900  
the unit who approaches the vehicle while stopped that the 901  
person has been issued a concealed handgun license or is 902  
authorized to carry a concealed handgun as an active duty member 903  
of the armed forces of the United States and; 904

(b) Display the person's driver's license or state 905  
identification card; 906

(c) Disclose that the person then possesses or has a 907  
loaded handgun in the commercial motor vehicle~~+~~. 908

(3) Knowingly fail to remain in the motor vehicle while 909  
stopped or knowingly fail to keep the person's hands in plain 910  
sight at any time after any law enforcement officer begins 911

approaching the person while stopped and before the law 912  
enforcement officer leaves, unless the failure is pursuant to 913  
and in accordance with directions given by a law enforcement 914  
officer; 915

(4) Knowingly have contact with the loaded handgun by 916  
touching it with the person's hands or fingers in the motor 917  
vehicle at any time after the law enforcement officer begins 918  
approaching and before the law enforcement officer leaves, 919  
unless the person has contact with the loaded handgun pursuant 920  
to and in accordance with directions given by the law 921  
enforcement officer; 922

(5) Knowingly disregard or fail to comply with any lawful 923  
order of any law enforcement officer given while the motor 924  
vehicle is stopped, including, but not limited to, a specific 925  
order to the person to keep the person's hands in plain sight. 926

(F)(1) Divisions (A), (B), (C), and (E) of this section do 927  
not apply to any of the following: 928

(a) An officer, agent, or employee of this or any other 929  
state or the United States, or a law enforcement officer, when 930  
authorized to carry or have loaded or accessible firearms in 931  
motor vehicles and acting within the scope of the officer's, 932  
agent's, or employee's duties; 933

(b) Any person who is employed in this state, who is 934  
authorized to carry or have loaded or accessible firearms in 935  
motor vehicles, and who is subject to and in compliance with the 936  
requirements of section 109.801 of the Revised Code, unless the 937  
appointing authority of the person has expressly specified that 938  
the exemption provided in division (F)(1)(b) of this section 939  
does not apply to the person. 940



(2) Division (A) of this section does not apply to a 941  
person if all of the following circumstances apply: 942

(a) The person discharges a firearm from a motor vehicle 943  
at a coyote or groundhog, the discharge is not during the deer 944  
gun hunting season as set by the chief of the division of 945  
wildlife of the department of natural resources, and the 946  
discharge at the coyote or groundhog, but for the operation of 947  
this section, is lawful. 948

(b) The motor vehicle from which the person discharges the 949  
firearm is on real property that is located in an unincorporated 950  
area of a township and that either is zoned for agriculture or 951  
is used for agriculture. 952

(c) The person owns the real property described in 953  
division (F) (2) (b) of this section, is the spouse or a child of 954  
another person who owns that real property, is a tenant of 955  
another person who owns that real property, or is the spouse or 956  
a child of a tenant of another person who owns that real 957  
property. 958

(d) The person does not discharge the firearm in any of 959  
the following manners: 960

(i) While under the influence of alcohol, a drug of abuse, 961  
or alcohol and a drug of abuse; 962

(ii) In the direction of a street, highway, or other 963  
public or private property used by the public for vehicular 964  
traffic or parking; 965

(iii) At or into an occupied structure that is a permanent 966  
or temporary habitation; 967

(iv) In the commission of any violation of law, including, 968

but not limited to, a felony that includes, as an essential 969  
element, purposely or knowingly causing or attempting to cause 970  
the death of or physical harm to another and that was committed 971  
by discharging a firearm from a motor vehicle. 972

(3) Division (A) of this section does not apply to a 973  
person if all of the following apply: 974

(a) The person possesses a valid all-purpose vehicle 975  
permit issued under section 1533.103 of the Revised Code by the 976  
chief of the division of wildlife. 977

(b) The person discharges a firearm at a wild quadruped or 978  
game bird as defined in section 1531.01 of the Revised Code 979  
during the open hunting season for the applicable wild quadruped 980  
or game bird. 981

(c) The person discharges a firearm from a stationary all- 982  
purpose vehicle as defined in section 1531.01 of the Revised 983  
Code from private or publicly owned lands or from a motor 984  
vehicle that is parked on a road that is owned or administered 985  
by the division of wildlife. 986

(d) The person does not discharge the firearm in any of 987  
the following manners: 988

(i) While under the influence of alcohol, a drug of abuse, 989  
or alcohol and a drug of abuse; 990

(ii) In the direction of a street, a highway, or other 991  
public or private property that is used by the public for 992  
vehicular traffic or parking; 993

(iii) At or into an occupied structure that is a permanent 994  
or temporary habitation; 995

(iv) In the commission of any violation of law, including, 996

but not limited to, a felony that includes, as an essential 997  
element, purposely or knowingly causing or attempting to cause 998  
the death of or physical harm to another and that was committed 999  
by discharging a firearm from a motor vehicle. 1000

(4) Divisions (B) and (C) of this section do not apply to 1001  
a person if all of the following circumstances apply: 1002

(a) At the time of the alleged violation of either of 1003  
those divisions, the person is the operator of or a passenger in 1004  
a motor vehicle. 1005

(b) The motor vehicle is on real property that is located 1006  
in an unincorporated area of a township and that either is zoned 1007  
for agriculture or is used for agriculture. 1008

(c) The person owns the real property described in 1009  
division (D) (4) (b) of this section, is the spouse or a child of 1010  
another person who owns that real property, is a tenant of 1011  
another person who owns that real property, or is the spouse or 1012  
a child of a tenant of another person who owns that real 1013  
property. 1014

(d) The person, prior to arriving at the real property 1015  
described in division (D) (4) (b) of this section, did not 1016  
transport or possess a firearm in the motor vehicle in a manner 1017  
prohibited by division (B) or (C) of this section while the 1018  
motor vehicle was being operated on a street, highway, or other 1019  
public or private property used by the public for vehicular 1020  
traffic or parking. 1021

(5) Divisions (B) and (C) of this section do not apply to 1022  
a person who transports or possesses a handgun in a motor 1023  
vehicle if, at the time of that transportation or possession, 1024  
both of the following apply: 1025

(a) The person transporting or possessing the handgun is 1026  
either carrying a valid concealed handgun license or is an 1027  
active duty member of the armed forces of the United States and 1028  
is carrying a valid military identification card and 1029  
documentation of successful completion of firearms training that 1030  
meets or exceeds the training requirements described in division 1031  
(G) (1) of section 2923.125 of the Revised Code. 1032

(b) The person transporting or possessing the handgun is 1033  
not knowingly in a place described in division (B) of section 1034  
2923.126 of the Revised Code. 1035

(6) Divisions (B) and (C) of this section do not apply to 1036  
a person if all of the following apply: 1037

(a) The person possesses a valid all-purpose vehicle 1038  
permit issued under section 1533.103 of the Revised Code by the 1039  
chief of the division of wildlife. 1040

(b) The person is on or in an all-purpose vehicle as 1041  
defined in section 1531.01 of the Revised Code or a motor 1042  
vehicle during the open hunting season for a wild quadruped or 1043  
game bird. 1044

(c) The person is on or in an all-purpose vehicle as 1045  
defined in section 1531.01 of the Revised Code on private or 1046  
publicly owned lands or on or in a motor vehicle that is parked 1047  
on a road that is owned or administered by the division of 1048  
wildlife. 1049

(7) Nothing in this section prohibits or restricts a 1050  
person from possessing, storing, or leaving a firearm in a 1051  
locked motor vehicle that is parked in the state underground 1052  
parking garage at the state capitol building or in the parking 1053  
garage at the Riffe center for government and the arts in 1054

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

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

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

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

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

application under section 2953.37 of the Revised Code requesting 1085  
the expungement of the record of conviction. 1086

If a person is convicted of, was convicted of, pleads 1087  
guilty to, or has pleaded guilty to a violation of division (B) 1088  
or (C) of this section as the division existed prior to 1089  
September 30, 2011, and if the conduct that was the basis of the 1090  
violation no longer would be a violation of division (B) or (C) 1091  
of this section on or after September 30, 2011, due to the 1092  
application of division (F)(5) of this section as it exists on 1093  
and after September 30, 2011, the person may file an application 1094  
under section 2953.37 of the Revised Code requesting the 1095  
expungement of the record of conviction. 1096

(b) The attorney general shall develop a public media 1097  
advisory that summarizes the expungement procedure established 1098  
under section 2953.37 of the Revised Code and the offenders 1099  
identified in division (H)(2)(a) of this section who are 1100  
authorized to apply for the expungement. Within thirty days 1101  
after September 30, 2011, the attorney general shall provide a 1102  
copy of the advisory to each daily newspaper published in this 1103  
state and each television station that broadcasts in this state. 1104  
The attorney general may provide the advisory in a tangible 1105  
form, an electronic form, or in both tangible and electronic 1106  
forms. 1107

(I) Whoever violates this section is guilty of improperly 1108  
handling firearms in a motor vehicle. Violation of division (A) 1109  
of this section is a felony of the fourth degree. Violation of 1110  
division (C) of this section is a misdemeanor of the fourth 1111  
degree. A violation of division (D) of this section is a felony 1112  
of the fifth degree or, if the loaded handgun is concealed on 1113  
the person's person, a felony of the fourth degree. ~~Except as~~ 1114

~~otherwise provided in this division, a~~ A violation of division 1115  
(E) (1) or (2) of this section is ~~a~~ an unclassified misdemeanor 1116  
~~of the first degree, and, in addition to any other penalty or~~ 1117  
~~sanction imposed for the violation, the offender's concealed~~ 1118  
~~handgun license shall be suspended pursuant to division (A) (2)~~ 1119  
~~of section 2923.128 of the Revised Code. If at the time of the~~ 1120  
~~stop of the offender for a traffic stop, for another law~~ 1121  
~~enforcement purpose, or for a purpose defined in section 5503.34~~ 1122  
~~of the Revised Code that was the basis of the violation any law~~ 1123  
~~enforcement officer involved with the stop or the employee of~~ 1124  
~~the motor carrier enforcement unit who made the stop had actual~~ 1125  
~~knowledge of the offender's status as a licensee, a violation of~~ 1126  
~~division (E) (1) or (2) of this section is a minor misdemeanor,~~ 1127  
~~and the offender's concealed handgun license shall not be~~ 1128  
~~suspended pursuant to division (A) (2) of section 2923.128 of the~~ 1129  
~~Revised Code and the offender may be subject to a fine of not~~ 1130  
more than twenty-five dollars. A violation of division (E) (4) of 1131  
this section is a felony of the fifth degree. A violation of 1132  
division (E) (3) or (5) of this section is a misdemeanor of the 1133  
first degree or, if the offender previously has been convicted 1134  
of or pleaded guilty to a violation of division (E) (3) or (5) of 1135  
this section, a felony of the fifth degree. In addition to any 1136  
other penalty or sanction imposed for a misdemeanor violation of 1137  
division (E) (3) or (5) of this section, the offender's concealed 1138  
handgun license shall be suspended pursuant to division (A) (2) 1139  
of section 2923.128 of the Revised Code. A violation of division 1140  
(B) of this section is a felony of the fourth degree. 1141

(J) If a law enforcement officer stops a motor vehicle for 1142  
a traffic stop or any other purpose, if any person in the motor 1143  
vehicle surrenders a firearm to the officer, either voluntarily 1144  
or pursuant to a request or demand of the officer, and if the 1145

officer does not charge the person with a violation of this 1146  
section or arrest the person for any offense, the person is not 1147  
otherwise prohibited by law from possessing the firearm, and the 1148  
firearm is not contraband, the officer shall return the firearm 1149  
to the person at the termination of the stop. If a court orders 1150  
a law enforcement officer to return a firearm to a person 1151  
pursuant to the requirement set forth in this division, division 1152  
(B) of section 2923.163 of the Revised Code applies. 1153

(K) As used in this section: 1154

(1) "Motor vehicle," "street," and "highway" have the same 1155  
meanings as in section 4511.01 of the Revised Code. 1156

(2) "Occupied structure" has the same meaning as in 1157  
section 2909.01 of the Revised Code. 1158

(3) "Agriculture" has the same meaning as in section 1159  
519.01 of the Revised Code. 1160

(4) "Tenant" has the same meaning as in section 1531.01 of 1161  
the Revised Code. 1162

(5) (a) "Unloaded" means, with respect to a firearm other 1163  
than a firearm described in division (K) (6) of this section, 1164  
that no ammunition is in the firearm in question, no magazine or 1165  
speed loader containing ammunition is inserted into the firearm 1166  
in question, and one of the following applies: 1167

(i) There is no ammunition in a magazine or speed loader 1168  
that is in the vehicle in question and that may be used with the 1169  
firearm in question. 1170

(ii) Any magazine or speed loader that contains ammunition 1171  
and that may be used with the firearm in question is stored in a 1172  
compartment within the vehicle in question that cannot be 1173



accessed without leaving the vehicle or is stored in a container 1174  
that provides complete and separate enclosure. 1175

(b) For the purposes of division (K) (5) (a) (ii) of this 1176  
section, a "container that provides complete and separate 1177  
enclosure" includes, but is not limited to, any of the 1178  
following: 1179

(i) A package, box, or case with multiple compartments, as 1180  
long as the loaded magazine or speed loader and the firearm in 1181  
question either are in separate compartments within the package, 1182  
box, or case, or, if they are in the same compartment, the 1183  
magazine or speed loader is contained within a separate 1184  
enclosure in that compartment that does not contain the firearm 1185  
and that closes using a snap, button, buckle, zipper, hook and 1186  
loop closing mechanism, or other fastener that must be opened to 1187  
access the contents or the firearm is contained within a 1188  
separate enclosure of that nature in that compartment that does 1189  
not contain the magazine or speed loader; 1190

(ii) A pocket or other enclosure on the person of the 1191  
person in question that closes using a snap, button, buckle, 1192  
zipper, hook and loop closing mechanism, or other fastener that 1193  
must be opened to access the contents. 1194

(c) For the purposes of divisions (K) (5) (a) and (b) of 1195  
this section, ammunition held in stripper-clips or in en-bloc 1196  
clips is not considered ammunition that is loaded into a 1197  
magazine or speed loader. 1198

(6) "Unloaded" means, with respect to a firearm employing 1199  
a percussion cap, flintlock, or other obsolete ignition system, 1200  
when the weapon is uncapped or when the priming charge is 1201  
removed from the pan. 1202

(7) "Commercial motor vehicle" has the same meaning as in 1203  
division (A) of section 4506.25 of the Revised Code. 1204

(8) "Motor carrier enforcement unit" means the motor 1205  
carrier enforcement unit in the department of public safety, 1206  
division of state highway patrol, that is created by section 1207  
5503.34 of the Revised Code. 1208

(L) Divisions (K) (5) (a) and (b) of this section do not 1209  
affect the authority of a person who is carrying a valid 1210  
concealed handgun license to have one or more magazines or speed 1211  
loaders containing ammunition anywhere in a vehicle, without 1212  
being transported as described in those divisions, as long as no 1213  
ammunition is in a firearm, other than a handgun, in the vehicle 1214  
other than as permitted under any other provision of this 1215  
chapter. A person who is carrying a valid concealed handgun 1216  
license may have one or more magazines or speed loaders 1217  
containing ammunition anywhere in a vehicle without further 1218  
restriction, as long as no ammunition is in a firearm, other 1219  
than a handgun, in the vehicle other than as permitted under any 1220  
provision of this chapter. 1221

**Section 2.** That existing sections 2923.12, 2923.126, 1222  
2923.128, and 2923.16 of the Revised Code are hereby repealed. 1223

**Section 3.** Section 2923.126 of the Revised Code is 1224  
presented in this act as a composite of the section as amended 1225  
by both Am. Sub. H.B. 79 and Am. Sub. H.B. 228 of the 132nd 1226  
General Assembly. The General Assembly, applying the principle 1227  
stated in division (B) of section 1.52 of the Revised Code that 1228  
amendments are to be harmonized if reasonably capable of 1229  
simultaneous operation, finds that the composite is the 1230  
resulting version of the section in effect prior to the 1231  
effective date of the section as presented in this act. 1232