

**As Introduced**

**132nd General Assembly**

**Regular Session**

**2017-2018**

**S. B. No. 180**

**Senators Uecker, Hottinger**

**Cosponsors: Senators Hoagland, Terhar, Jordan**

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**A BILL**

To amend sections 307.932, 2307.601, 2901.05, 1  
2901.09, 2923.12, 2923.126, 2923.16, and 2953.37 2  
and to repeal section 2923.1212 of the Revised 3  
Code to assign to the prosecution the burden of 4  
disproving a self-defense or related claim, to 5  
expand the locations at which a person has no 6  
duty to retreat before using force under both 7  
civil and criminal law, and to modify the 8  
Concealed Handgun Licensing Law regarding a 9  
licensee's duty to keep the licensee's hands in 10  
plain sight, the penalties for illegally 11  
carrying a concealed firearm or improperly 12  
handling firearms in a motor vehicle, and the 13  
posting of warning signs regarding the 14  
possession of weapons on specified premises. 15

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

**Section 1.** That sections 307.932, 2307.601, 2901.05, 16  
2901.09, 2923.12, 2923.126, 2923.16, and 2953.37 of the Revised 17  
Code be amended to read as follows: 18

**Sec. 307.932.** (A) As used in this section: 19

(1) "Division of parole and community services" means the 20  
division of parole and community services of the department of 21  
rehabilitation and correction. 22

(2) "Eligible offender" means, in relation to a particular 23  
community alternative sentencing center or district community 24  
alternative sentencing center established and operated under 25  
this section, an offender who has been convicted of or pleaded 26  
guilty to a qualifying misdemeanor offense, for whom no 27  
provision of the Revised Code or ordinance of a municipal 28  
corporation other than section 4511.19 of the Revised Code, both 29  
sections 4510.14 and 4511.19 of the Revised Code, or an 30  
ordinance or ordinances of a municipal corporation that provide 31  
the penalties for a municipal OVI offense or for both a 32  
municipal OVI ordinance and a municipal DUS ordinance of the 33  
municipal corporation requires the imposition of a mandatory 34  
jail term for that qualifying misdemeanor offense, and who is 35  
eligible to be sentenced directly to that center and admitted to 36  
it under rules adopted under division (G) of this section by the 37  
board of county commissioners, affiliated group of boards of 38  
county commissioners, or municipal corporation that established 39  
and operates that center. 40

(3) "Municipal OVI offense" has the same meaning as in 41  
section 4511.181 of the Revised Code. 42

(4) "OVI term of confinement" means a term of confinement 43  
imposed for a violation of section 4511.19 of the Revised Code 44  
or for a municipal OVI offense, including any mandatory jail 45  
term or mandatory term of local incarceration imposed for that 46  
violation or offense. 47

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

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

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

(B) (1) The board of county commissioners of any county, in consultation with the sheriff of the county, may establish a community alternative sentencing center that, upon implementation by the county or being subcontracted to or operated by a nonprofit organization, shall be used for the confinement of eligible offenders sentenced directly to the center by a court located in any county pursuant to a community residential sanction of not more than ninety days or pursuant to an OVI term of confinement of not more than ninety days, and for the purpose of closely monitoring those eligible offenders' adjustment to community supervision. A board that establishes a center pursuant to this division shall do so by resolution.

(2) The boards of county commissioners of two or more adjoining or neighboring counties, in consultation with the sheriffs of each of those counties, may affiliate and establish by resolution adopted by each of them a district community alternative sentencing center that, upon implementation by the counties or being subcontracted to or operated by a nonprofit

organization, shall be used for the confinement of eligible 78  
offenders sentenced directly to the center by a court located in 79  
any county pursuant to a community residential sanction of not 80  
more than ninety days or pursuant to an OVI term of confinement 81  
of not more than ninety days, and for the purpose of closely 82  
monitoring those eligible offenders' adjustment to community 83  
supervision. Each board that affiliates with one or more other 84  
boards to establish a center pursuant to this division shall do 85  
so by resolution. 86

(3) A municipal corporation may establish a community 87  
alternative sentencing center that, upon implementation by the 88  
municipal corporation or being subcontracted to or operated by a 89  
nonprofit organization, shall be used for the confinement of 90  
eligible offenders sentenced directly to the center by a court 91  
located in any county pursuant to a community residential 92  
sanction of not more than ninety days or pursuant to an OVI term 93  
of confinement of not more than ninety days, and for the purpose 94  
of closely monitoring those eligible offenders' adjustment to 95  
community supervision. A municipal corporation that establishes 96  
a center pursuant to this division shall do so by resolution. 97

(C) Each resolution establishing a community alternative 98  
sentencing center or a district community alternative sentencing 99  
center under division (B) of this section shall include 100  
provisions for operation of the center and for criteria to 101  
define which offenders are eligible to be sentenced directly to 102  
the center and admitted to it. At a minimum, the criteria that 103  
define which offenders are eligible to be sentenced directly to 104  
the center and admitted to it shall provide that an offender is 105  
eligible to be sentenced directly to the center and admitted to 106  
it if the offender has been convicted of or pleaded guilty to a 107  
qualifying misdemeanor offense and is sentenced directly to the 108

center for the qualifying misdemeanor offense pursuant to a 109  
community residential sanction of not more than ninety days or 110  
pursuant to an OVI term of confinement of not more than ninety 111  
days by a court that is located in any county. 112

(D) If a community alternative sentencing center or a 113  
district community alternative sentencing center that is 114  
established under division (B) of this section contemplates the 115  
use of an existing facility, or a part of an existing facility, 116  
as the center, nothing in this section limits, restricts, or 117  
precludes the use of the facility, the part of the facility, or 118  
any other part of the facility for any purpose other than as a 119  
community alternative sentencing center or district community 120  
alternative sentencing center. 121

(E) If a board of county commissioners, an affiliated 122  
group of boards of county commissioners, or municipal 123  
corporation establishes and operates or subcontracts with a 124  
nonprofit organization for the operation of a community 125  
alternative sentencing center or district community alternative 126  
sentencing center under this division, except as otherwise 127  
provided in this division, the center is not a minimum security 128  
jail under section 341.14, section 753.21, or any other 129  
provision of the Revised Code, is not a jail or alternative 130  
residential facility as defined in section 2929.01 of the 131  
Revised Code, is not required to satisfy or comply with minimum 132  
standards for minimum security jails or other jails that are 133  
promulgated under division (A) of section 5120.10 of the Revised 134  
Code, is not a local detention facility as defined in section 135  
2929.36 of the Revised Code, and is not a residential unit as 136  
defined in section 2950.01 of the Revised Code. The center is a 137  
detention facility as defined in sections 2921.01 and 2923.124 138  
of the Revised Code, and an eligible offender confined in the 139

center is under detention as defined in section 2921.01 of the Revised Code. Regarding persons sentenced directly to the center under an OVI term of confinement or under both an OVI term of confinement and confinement for a violation of section 4510.14 of the Revised Code or a municipal DUS offense, the center shall be considered a "jail" or "local correctional facility" for purposes of any provision in section 4510.14 or 4511.19 of the Revised Code or in an ordinance of a municipal corporation that requires a mandatory jail term or mandatory term of local incarceration for the violation of section 4511.19 of the Revised Code, the violation of both ~~section~~ sections 4510.14 and 4511.19 of the Revised Code, the municipal OVI offense, or the municipal OVI offense and the municipal DUS offense, and a direct sentence of a person to the center under an OVI term of confinement or under both an OVI term of confinement and confinement for a violation of section 4510.14 of the Revised Code or a municipal DUS offense shall be considered to be a sentence to a "jail" or "local correctional facility" for purposes of any such provision in section 4510.14 or 4511.19 of the Revised Code or in an ordinance of a municipal corporation.

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

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

evidencing the determination to dissolve the center. 171

(3) If at least one, but not all, of the boards of county 172  
commissioners of the counties being served by any district 173  
community alternative sentencing center established pursuant to 174  
this section determines that it no longer wants to be served by 175  
the center, the board may terminate its involvement with the 176  
center by adopting a resolution evidencing the determination to 177  
terminate its involvement with the center. If at least one, but 178  
not all, of the boards of county commissioners of the counties 179  
being served by any community alternative sentencing center 180  
terminates its involvement with the center in accordance with 181  
this division, the other boards of county commissioners of the 182  
counties being served by the center may continue to be served by 183  
the center. 184

(4) If a municipal corporation that is being served by a 185  
community alternative sentencing center established pursuant to 186  
this section determines that it no longer wants to be served by 187  
the center, the municipal corporation may dissolve the center by 188  
adopting a resolution evidencing the determination to dissolve 189  
the center. 190

(G) Prior to operating a community alternative sentencing 191  
center or a district community alternative sentencing center, 192  
the board of county commissioners, the affiliated group of 193  
boards of county commissioners, or municipal corporation that 194  
established the center shall adopt rules for the operation of 195  
the center. The rules shall include criteria that define which 196  
offenders are eligible to be sentenced directly to the center 197  
and admitted to it. 198

(H) If a board of county commissioners operates or 199  
subcontracts with a nonprofit organization for the operation of 200

a community alternative sentencing center, an affiliated group 201  
of boards of county commissioners operates or subcontracts with 202  
a nonprofit organization for the operation of a district 203  
community alternative sentencing center, or a municipal 204  
corporation operates or subcontracts with a nonprofit 205  
organization for the operation of a community alternative 206  
sentencing center under this section, all of the following 207  
apply: 208

(1) With the approval of the operator of the center, a 209  
court located within any county may directly sentence eligible 210  
offenders to a community alternative sentencing center or 211  
district community alternative sentencing center pursuant to a 212  
community residential sanction of not more than ninety days or 213  
pursuant to an OVI term of confinement, a combination of an OVI 214  
term of confinement and confinement for a violation of section 215  
4510.14 of the Revised Code, or confinement for a municipal DUS 216  
offense of not more than ninety days. 217

(2) Each eligible offender who is sentenced to the center 218  
as described in division (H) (1) of this section and admitted to 219  
it shall be offered during the eligible offender's confinement 220  
at the center educational and vocational services and reentry 221  
planning and may be offered any other treatment and 222  
rehabilitative services that are available and that the court 223  
that sentenced the particular eligible offender to the center 224  
and the administrator of the center determine are appropriate 225  
based upon the offense for which the eligible offender was 226  
sentenced to the community residential sanction and the length 227  
of the sanction. 228

(3) Before accepting an eligible offender sentenced to the 229  
center by a court, the board, the affiliated group of boards, or 230



the municipal corporation shall enter into an agreement with a 231  
political subdivision that operates that court that addresses 232  
the cost and payment of medical treatment or services received 233  
by eligible offenders sentenced by that court while they are 234  
confined in the center. The agreement may provide for the 235  
payment of the costs by the particular eligible offender who 236  
receives the treatment or services, as described in division (I) 237  
of this section. 238

(4) If an eligible offender a court sentences to the 239  
center is admitted to the center, all of the following apply: 240

(a) The admission shall be under the terms and conditions 241  
established by the court and the administrator of the center, 242  
and the court and the administrator of the center shall provide 243  
for the confinement of the eligible offender and supervise the 244  
eligible offender as provided in divisions (H) (4) (b) to (f) of 245  
this section. 246

(b) The eligible offender shall be confined in the center 247  
during any period of time that the eligible offender is not 248  
actually working at the eligible offender's approved work 249  
release described in division (H) (4) (c) of this section, engaged 250  
in community service activities described in division (H) (4) (d) 251  
of this section, engaged in authorized vocational training or 252  
another authorized educational program, engaged in another 253  
program designated by the administrator of the center, or 254  
engaged in other activities approved by the court and the 255  
administrator of the center. 256

(c) If the court and the administrator of the center 257  
determine that work release is appropriate based upon the 258  
offense for which the eligible offender was sentenced to the 259  
community residential sanction or OVI term of confinement and 260

the length of the sanction or term, the eligible offender may be 261  
offered work release from confinement at the center and be 262  
released from confinement while engaged in the work release. 263

(d) An eligible offender may not participate in community 264  
service without the court's approval. If the administrator of 265  
the center determines that community service is appropriate and 266  
if the eligible offender will be confined for more than ten days 267  
at the center, the eligible offender may be required to 268  
participate in community service activities approved by the 269  
court and by the political subdivision served by the court. 270  
Community service activities that may be required under this 271  
division may take place in facilities of the political 272  
subdivision that operates the court, in the community, or in 273  
both such locales. The eligible offender shall be released from 274  
confinement while engaged in the community service activities. 275  
Community service activities required under this division shall 276  
be supervised by the court or an official designated by the 277  
board of county commissioners or affiliated group of boards of 278  
county commissioners that established and is operating the 279  
center. Community service activities required under this 280  
division shall not exceed in duration the period for which the 281  
eligible offender will be confined at the center under the 282  
community residential sanction or the OVI term of confinement. 283

(e) The confinement of the eligible offender in the center 284  
shall be considered for purposes of this division and division 285  
(H) (4) (f) of this section as including any period of time 286  
described in division (H) (4) (b) of this section when the 287  
eligible offender may be outside of the center and shall 288  
continue until the expiration of the community residential 289  
sanction, the OVI term of confinement, or the combination of the 290  
OVI term of confinement and the confinement for the violation of 291

section 4510.14 of the Revised Code or the municipal DUS 292  
ordinance that the eligible offender is serving upon admission 293  
to the center. 294

(f) After the admission and until the expiration of the 295  
community residential sanction or OVI term of confinement that 296  
the eligible offender is serving upon admission to the center, 297  
the eligible offender shall be considered for purposes of any 298  
provision in Title XXIX of the Revised Code to be serving the 299  
community residential sanction or OVI term of confinement. 300

~~(5) The administrator of the center, or the 301  
administrator's designee, shall post a sign as described in 302  
division (A) (4) of section 2923.1212 of the Revised Code in a 303  
conspicuous location at the center. 304~~

(I) The board of county commissioners that establishes a 305  
community alternative sentencing center under this section, the 306  
affiliated group of boards of county commissioners that 307  
establishes a district community alternative sentencing center 308  
under this section, or the municipal corporation that 309  
establishes a community alternative sentencing center under this 310  
section, may require an eligible offender who is sentenced 311  
directly to the center and admitted to it to pay to the county 312  
served by the board, the counties served by the affiliated group 313  
of boards, the municipal corporation, or the entity operating 314  
the center the reasonable expenses incurred by the county, 315  
counties, municipal corporation, or entity, whichever is 316  
applicable, in supervising or confining the eligible offender 317  
after being sentenced to the center and admitted. Inability to 318  
pay those reasonable expenses shall not be grounds for refusing 319  
to admit an otherwise eligible offender to the center. 320

(J) (1) If an eligible offender who is directly sentenced 321

to a community alternative sentencing center or district 322  
community alternative sentencing center and admitted to the 323  
center successfully completes the service of the community 324  
residential sanction in the center, the administrator of the 325  
center shall notify the court that imposed the sentence, and the 326  
court shall enter into the journal that the eligible offender 327  
successfully completed the service of the sanction. 328

(2) If an eligible offender who is directly sentenced to a 329  
community alternative sentencing center or district community 330  
alternative sentencing center and admitted to the center 331  
violates any rule established under this section by the board of 332  
county commissioners or the affiliated group of boards of county 333  
commissioners that establishes the center, violates any 334  
condition of the community residential sanction, the OVI term of 335  
confinement, or the combination of the OVI term of confinement 336  
and the confinement for the violation of section 4510.14 of the 337  
Revised Code or the municipal OVI ordinance imposed by the 338  
sentencing court, or otherwise does not successfully complete 339  
the service of the community residential sanction or OVI term of 340  
confinement in the center, the administrator of the center shall 341  
report the violation or failure to successfully complete the 342  
sanction or term directly to the court or to the probation 343  
department or probation officer with general control and 344  
supervision over the eligible offender. A failure to 345  
successfully complete the service of the community residential 346  
sanction, the OVI term of confinement, or the combination of the 347  
OVI term of confinement and the confinement for the violation of 348  
section 4510.14 of the Revised Code or the municipal OVI 349  
ordinance in the center shall be considered a violation of a 350  
condition of the community residential sanction or the OVI term 351  
of confinement. If the administrator reports the violation to 352

the probation department or probation officer, the department or 353  
officer shall report the violation to the court. Upon its 354  
receipt under this division of a report of a violation or 355  
failure to complete the sanction by a person sentenced to the 356  
center under a community residential sanction, the court may 357  
proceed as specified in division (C)(2) of section 2929.25 of 358  
the Revised Code based on the violation or as provided by 359  
ordinance of the municipal corporation based on the violation, 360  
whichever is applicable. Upon its receipt under this division of 361  
a report of a violation or failure to complete the term by a 362  
person sentenced to the center under an OVI term of confinement, 363  
the court shall determine the place at which the offender is to 364  
serve the remainder of the term of confinement. The eligible 365  
offender shall receive credit towards completing the eligible 366  
offender's sentence for the time spent in the center after 367  
admission to it. 368

**Sec. 2307.601.** (A) As used in this section:— 369

~~(1) "Residence" and "vehicle" have the same meanings as in~~ 370  
~~section 2901.05 of the Revised Code.~~ 371

~~(2) "Tort," "tort action" has the same meaning as in~~ 372  
~~section 2307.60 of the Revised Code.~~ 373

(B) For purposes of determining the potential liability of 374  
a person in a tort action related to the person's use of force 375  
alleged to be in self-defense, defense of another, or defense of 376  
the person's residence, ~~if the person lawfully is in that~~ 377  
~~person's residence,~~ the person has no duty to retreat before 378  
using force in self-defense, defense of another, or defense of 379  
that person's residence, ~~and, if the person lawfully is an~~ 380  
~~occupant of that person's vehicle or lawfully is an occupant in~~ 381  
~~a vehicle owned by an immediate family member of the person, the~~ 382

~~person has no duty to retreat before using force in self-defense~~ 383  
~~or defense of another if that person is in a place in which the~~ 384  
~~person lawfully has a right to be.~~ 385

(C) A trier of fact shall not consider the possibility of 386  
retreat as a factor in determining whether or not a person who 387  
used force in self-defense, defense of another, or defense of 388  
that person's residence reasonably believed that the force was 389  
necessary to prevent injury, loss, or risk to life or safety. 390

**Sec. 2901.05.** (A) Every person accused of an offense is 391  
presumed innocent until proven guilty beyond a reasonable doubt, 392  
and the burden of proof for all elements of the offense is upon 393  
the prosecution. The burden of going forward with the evidence 394  
of an affirmative defense, and the burden of proof, by a 395  
preponderance of the evidence, for an affirmative defense other 396  
than self-defense, defense of another, or defense of the 397  
accused's residence as described in division (B)(1) of this 398  
section, is upon the accused. 399

(B)(1) A person is allowed to act in self-defense, defense 400  
of another, or defense of that person's residence. If, at the 401  
trial of a person who is accused of an offense that involved the 402  
person's use of force against another, there is evidence 403  
presented that tends to support that the accused person used the 404  
force in self-defense, defense of another, or defense of that 405  
person's residence, the prosecution must prove beyond a 406  
reasonable doubt that the accused person did not use the force 407  
in self-defense, defense of another, or defense of that person's 408  
residence, as the case may be. 409

(2) Subject to division (B)(2)(3) of this section, a 410  
person is presumed to have acted in self-defense or defense of 411  
another when using defensive force that is intended or likely to 412

cause death or great bodily harm to another if the person 413  
against whom the defensive force is used is in the process of 414  
unlawfully and without privilege to do so entering, or has 415  
unlawfully and without privilege to do so entered, the residence 416  
or vehicle occupied by the person using the defensive force. 417

~~(2) (a) (3)~~ The presumption set forth in division (B) ~~(1) (2)~~ 418  
of this section does not apply if either of the following is 419  
true: 420

(a) The person against whom the defensive force is used 421  
has a right to be in, or is a lawful resident of, the residence 422  
or vehicle. 423

(b) The ~~presumption set forth in division (B) (1) of this~~ 424  
~~section does not apply if the person who uses the defensive~~ 425  
force uses it while in a residence or vehicle and the person is 426  
unlawfully, and without privilege to be, in that residence or 427  
vehicle. 428

~~(3) (4)~~ The presumption set forth in division (B) ~~(1) (2)~~ of 429  
this section is a rebuttable presumption and may be rebutted by 430  
a preponderance of the evidence, provided that the prosecution's 431  
burden of proof remains proof beyond a reasonable doubt as 432  
described in divisions (A) and (B) (1) of this section. 433

(C) As part of its charge to the jury in a criminal case, 434  
the court shall read the definitions of "reasonable doubt" and 435  
"proof beyond a reasonable doubt," contained in division (D) of 436  
this section. 437

(D) As used in this section: 438

(1) An "affirmative defense" is either of the following: 439

(a) A defense expressly designated as affirmative; 440

(b) A defense involving an excuse or justification 441  
peculiarly within the knowledge of the accused, on which the 442  
accused can fairly be required to adduce supporting evidence. 443

(2) "Dwelling" means a building or conveyance of any kind 444  
that has a roof over it and that is designed to be occupied by 445  
people lodging in the building or conveyance at night, 446  
regardless of whether the building or conveyance is temporary or 447  
permanent or is mobile or immobile. As used in this division, a 448  
building or conveyance includes, but is not limited to, an 449  
attached porch, and a building or conveyance with a roof over it 450  
includes, but is not limited to, a tent. 451

(3) "Residence" means a dwelling in which a person resides 452  
either temporarily or permanently or is visiting as a guest. 453

(4) "Vehicle" means a conveyance of any kind, whether or 454  
not motorized, that is designed to transport people or property. 455

(E) "Reasonable doubt" is present when the jurors, after 456  
they have carefully considered and compared all the evidence, 457  
cannot say they are firmly convinced of the truth of the charge. 458  
It is a doubt based on reason and common sense. Reasonable doubt 459  
is not mere possible doubt, because everything relating to human 460  
affairs or depending on moral evidence is open to some possible 461  
or imaginary doubt. "Proof beyond a reasonable doubt" is proof 462  
of such character that an ordinary person would be willing to 463  
rely and act upon it in the most important of the person's own 464  
affairs. 465

**Sec. 2901.09.** (A) ~~As used in this section, "residence" and~~ 466  
~~"vehicle" have the same meanings as in section 2901.05 of the~~ 467  
~~Revised Code.~~ 468

~~(B)~~ For purposes of any section of the Revised Code that 469



sets forth a criminal offense, a person ~~who lawfully is in that~~ 470  
~~person's residence~~ has no duty to retreat before using force in 471  
self-defense, defense of another, or defense of that person's 472  
residence, ~~and a person who lawfully is an occupant of that~~ 473  
~~person's vehicle or who lawfully is an occupant in a vehicle~~ 474  
~~owned by an immediate family member of the person has no duty to~~ 475  
~~retreat before using force in self defense or defense of another~~ 476  
if that person is in a place in which the person lawfully has a 477  
right to be. 478

(B) A trier of fact shall not consider the possibility of 479  
retreat as a factor in determining whether or not a person who 480  
used force in self-defense, defense of another, or defense of 481  
that person's residence reasonably believed that the force was 482  
necessary to prevent injury, loss, or risk to life or safety. 483

**Sec. 2923.12.** (A) No person shall knowingly carry or have, 484  
concealed on the person's person or concealed ready at hand, any 485  
of the following: 486

- (1) A deadly weapon other than a handgun; 487
- (2) A handgun other than a dangerous ordnance; 488
- (3) A dangerous ordnance. 489

(B) No person who has been issued a concealed handgun 490  
license shall do any of the following: 491

(1) If the person is stopped for a law enforcement purpose 492  
and is carrying a concealed handgun, fail to promptly inform any 493  
law enforcement officer who approaches the person after the 494  
person has been stopped that the person has been issued a 495  
concealed handgun license and that the person then is carrying a 496  
concealed handgun; 497

(2) If the person is stopped for a law enforcement purpose 498  
and is carrying a concealed handgun, knowingly fail to keep the 499  
person's hands in plain sight at any time after any law 500  
enforcement officer begins approaching the person while stopped 501  
and before the law enforcement officer leaves, unless it is 502  
impractical to keep the person's hands in plain sight in that 503  
manner or the failure is pursuant to and in accordance with 504  
directions given by a law enforcement officer; 505

(3) If the person is stopped for a law enforcement 506  
purpose, if the person is carrying a concealed handgun, and if 507  
the person is approached by any law enforcement officer while 508  
stopped, knowingly remove or attempt to remove the loaded 509  
handgun from the holster, pocket, or other place in which the 510  
person is carrying it, knowingly grasp or hold the loaded 511  
handgun, or knowingly have contact with the loaded handgun by 512  
touching it with the person's hands or fingers at any time after 513  
the law enforcement officer begins approaching and before the 514  
law enforcement officer leaves, unless the person removes, 515  
attempts to remove, grasps, holds, or has contact with the 516  
loaded handgun pursuant to and in accordance with directions 517  
given by the law enforcement officer; 518

(4) If the person is stopped for a law enforcement purpose 519  
and is carrying a concealed handgun, knowingly disregard or fail 520  
to comply with any lawful order of any law enforcement officer 521  
given while the person is stopped, including, but not limited 522  
to, a specific order to the person to keep the person's hands in 523  
plain sight. 524

(C) (1) This section does not apply to any of the 525  
following: 526

(a) An officer, agent, or employee of this or any other 527

state or the United States, or to a law enforcement officer, who 528  
is authorized to carry concealed weapons or dangerous ordnance 529  
or is authorized to carry handguns and is acting within the 530  
scope of the officer's, agent's, or employee's duties; 531

(b) Any person who is employed in this state, who is 532  
authorized to carry concealed weapons or dangerous ordnance or 533  
is authorized to carry handguns, and who is subject to and in 534  
compliance with the requirements of section 109.801 of the 535  
Revised Code, unless the appointing authority of the person has 536  
expressly specified that the exemption provided in division (C) 537  
(1)(b) of this section does not apply to the person; 538

(c) A person's transportation or storage of a firearm, 539  
other than a firearm described in divisions (G) to (M) of 540  
section 2923.11 of the Revised Code, in a motor vehicle for any 541  
lawful purpose if the firearm is not on the actor's person; 542

(d) A person's storage or possession of a firearm, other 543  
than a firearm described in divisions (G) to (M) of section 544  
2923.11 of the Revised Code, in the actor's own home for any 545  
lawful purpose. 546

(2) Division (A)(2) of this section does not apply to any 547  
person who, at the time of the alleged carrying or possession of 548  
a handgun, either is carrying a valid concealed handgun license 549  
or is an active duty member of the armed forces of the United 550  
States and is carrying a valid military identification card and 551  
documentation of successful completion of firearms training that 552  
meets or exceeds the training requirements described in division 553  
(G)(1) of section 2923.125 of the Revised Code, unless the 554  
person knowingly is in a place described in division (B) of 555  
section 2923.126 of the Revised Code. 556

(D) It is an affirmative defense to a charge under 557  
division (A) (1) of this section of carrying or having control of 558  
a weapon other than a handgun and other than a dangerous 559  
ordnance that the actor was not otherwise prohibited by law from 560  
having the weapon and that any of the following applies: 561

(1) The weapon was carried or kept ready at hand by the 562  
actor for defensive purposes while the actor was engaged in or 563  
was going to or from the actor's lawful business or occupation, 564  
which business or occupation was of a character or was 565  
necessarily carried on in a manner or at a time or place as to 566  
render the actor particularly susceptible to criminal attack, 567  
such as would justify a prudent person in going armed. 568

(2) The weapon was carried or kept ready at hand by the 569  
actor for defensive purposes while the actor was engaged in a 570  
lawful activity and had reasonable cause to fear a criminal 571  
attack upon the actor, a member of the actor's family, or the 572  
actor's home, such as would justify a prudent person in going 573  
armed. 574

(3) The weapon was carried or kept ready at hand by the 575  
actor for any lawful purpose and while in the actor's own home. 576

(E) No person who is charged with a violation of this 577  
section shall be required to obtain a concealed handgun license 578  
as a condition for the dismissal of the charge. 579

(F) (1) Whoever violates this section is guilty of carrying 580  
concealed weapons. Except as otherwise provided in this division 581  
or divisions (F) (2), (6), and (7) of this section, carrying 582  
concealed weapons in violation of division (A) (1) or (3) of this 583  
section is a misdemeanor of the first degree. Except as 584  
otherwise provided in this division or divisions (F) (2), (6), 585

and (7) of this section, if the offender previously has been 586  
convicted of a violation of this section or of any offense of 587  
violence, if the weapon involved is a firearm that is either 588  
loaded or for which the offender has ammunition ready at hand, 589  
or if the weapon involved is dangerous ordnance, carrying 590  
concealed weapons in violation of division (A) (1) or (3) of this 591  
section is a felony of the fourth degree. ~~Except—~~ 592

Except as otherwise provided in this division or divisions 593  
(F) (2), (6), and (7) of this section, carrying concealed weapons 594  
in violation of division (A) (2) of this section is a minor 595  
misdemeanor. Except as otherwise provided in this division or 596  
divisions (F) (2), (6), and (7) of this section, carrying 597  
concealed weapons in violation of division (A) (2) of this 598  
section committed in circumstances in which the offender 599  
committed any other offense while carrying concealed the handgun 600  
is a misdemeanor of the first degree. Except as otherwise 601  
provided in this division or divisions (F) (2), (6), and (7) of 602  
this section, if the offender committed any other offense while 603  
carrying the concealed handgun and the offender previously has 604  
been convicted of a violation of this section or of any offense 605  
of violence or if the handgun involved is either loaded or is a 606  
handgun for which the offender has ammunition ready at hand, 607  
carrying concealed weapons in violation of division (A) (2) of 608  
this section is a felony of the fourth degree. 609

Except as otherwise provided in divisions (F) (2) and (6) 610  
of this section, if the offense is committed aboard an aircraft, 611  
or with purpose to carry a concealed weapon aboard an aircraft, 612  
regardless of the weapon involved, carrying concealed weapons in 613  
violation of division (A) (1), (2), or (3) of this section is a 614  
felony of the third degree. 615

(2) Except as provided in division (F) (6) of this section, 616  
if a person being arrested for a violation of division (A) (2) of 617  
this section promptly produces a valid concealed handgun 618  
license, and if at the time of the violation the person was not 619  
knowingly in a place described in division (B) of section 620  
2923.126 of the Revised Code, the officer shall not arrest the 621  
person for a violation of that division. If the person is not 622  
able to promptly produce any concealed handgun license and if 623  
the person is not in a place described in that section, the 624  
officer may arrest the person for a violation of that division, 625  
and the offender shall be punished ~~as follows:~~ 626

~~(a) The offender shall be guilty of a minor misdemeanor if 627  
both of the following apply: 628~~

~~(i) Within ten days after the arrest, the offender 629  
presents a concealed handgun license, which license was valid at 630  
the time of the arrest to the law enforcement agency that 631  
employs the arresting officer. 632~~

~~(ii) At the time of the arrest, the offender was not 633  
knowingly in a place described in division (B) of section 634  
2923.126 of the Revised Code. 635~~

~~(b) The offender shall be guilty of a misdemeanor and 636  
shall be fined five hundred dollars if all of the following 637  
apply: 638~~

~~(i) The offender previously had been issued a concealed 639  
handgun license, and that license expired within the two years 640  
immediately preceding the arrest. 641~~

~~(ii) Within forty-five days after the arrest, the offender 642  
presents a concealed handgun license to the law enforcement 643  
agency that employed the arresting officer, and the offender 644~~

~~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.~~

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

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

(4) Carrying concealed weapons in violation of division  
(B) (2) or (4) of this section is a misdemeanor of the first  
degree or, if the offender previously has been convicted of or  
pleaded guilty to a violation of division (B) (2) or (4) of this  
section, a felony of the fifth degree. In addition to any other  
penalty or sanction imposed for a misdemeanor violation of

division (B) (2) or (4) of this section, the offender's concealed 675  
handgun license shall be suspended pursuant to division (A) (2) 676  
of section 2923.128 of the Revised Code. 677

(5) Carrying concealed weapons in violation of division 678  
(B) (3) of this section is a felony of the fifth degree. 679

(6) If a person being arrested for a violation of division 680  
(A) (2) of this section is an active duty member of the armed 681  
forces of the United States and is carrying a valid military 682  
identification card and documentation of successful completion 683  
of firearms training that meets or exceeds the training 684  
requirements described in division (G) (1) of section 2923.125 of 685  
the Revised Code, and if at the time of the violation the person 686  
was not knowingly in a place described in division (B) of 687  
section 2923.126 of the Revised Code, the officer shall not 688  
arrest the person for a violation of that division. If the 689  
person is not able to promptly produce a valid military 690  
identification card and documentation of successful completion 691  
of firearms training that meets or exceeds the training 692  
requirements described in division (G) (1) of section 2923.125 of 693  
the Revised Code and if the person is not in a place described 694  
in division (B) of section 2923.126 of the Revised Code, the 695  
officer shall issue a citation and the offender shall be 696  
assessed a civil penalty of not more than ~~five~~one hundred fifty 697  
dollars. The citation shall be automatically dismissed and the 698  
civil penalty shall not be assessed if both of the following 699  
apply: 700

(a) Within ten days after the issuance of the citation, 701  
the offender presents a valid military identification card and 702  
documentation of successful completion of firearms training that 703  
meets or exceeds the training requirements described in division 704



(G) (1) of section 2923.125 of the Revised Code, which were both 705  
valid at the time of the issuance of the citation to the law 706  
enforcement agency that employs the citing officer. 707

(b) At the time of the citation, the offender was not 708  
knowingly in a place described in division (B) of section 709  
2923.126 of the Revised Code. 710

(7) If a person being arrested for a violation of division 711  
(A) (2) of this section is knowingly in a place described in 712  
division (B) (5) of section 2923.126 of the Revised Code and is 713  
not authorized to carry a handgun or have a handgun concealed on 714  
the person's person or concealed ready at hand under that 715  
division, the penalty shall be as follows: 716

(a) Except as otherwise provided in ~~this division (F) (7)~~ 717  
~~(b), (c), or (d) of this section, if the person produces a valid~~ 718  
~~concealed handgun license within ten days after the arrest and~~ 719  
~~has not previously been convicted or pleaded guilty to a~~ 720  
~~violation of division (A) (2) of this section, the person is~~ 721  
guilty of a minor misdemeanor; 722

(b) Except as otherwise provided in ~~this division (F) (7)~~ 723  
~~(d) of this section~~, if the person has previously been convicted 724  
of or pleaded guilty to ~~a one~~ violation of division (A) (2) of 725  
this section, the person is guilty of a misdemeanor of the 726  
fourth degree; 727

(c) Except as otherwise provided in ~~this division (F) (7)~~ 728  
~~(d) of this section~~, if the person has previously been convicted 729  
of or pleaded guilty to two violations of division (A) (2) of 730  
this section, the person is guilty of a misdemeanor of the third 731  
degree; 732

(d) ~~Except as otherwise provided in this division, if~~ If 733

the person has previously been convicted of or pleaded guilty to 734  
three or more violations of division (A) (2) of this section, or 735  
~~convicted of or pleaded guilty to~~ of any offense of violence, if 736  
the weapon involved is a firearm that is either loaded or for 737  
which the offender has ammunition ready at hand, or if the 738  
weapon involved is a dangerous ordnance, the person is guilty of 739  
a misdemeanor of the second degree. 740

(G) If a law enforcement officer stops a person to 741  
question the person regarding a possible violation of this 742  
section, for a traffic stop, or for any other law enforcement 743  
purpose, if the person surrenders a firearm to the officer, 744  
either voluntarily or pursuant to a request or demand of the 745  
officer, and if the officer does not charge the person with a 746  
violation of this section or arrest the person for any offense, 747  
the person is not otherwise prohibited by law from possessing 748  
the firearm, and the firearm is not contraband, the officer 749  
shall return the firearm to the person at the termination of the 750  
stop. If a court orders a law enforcement officer to return a 751  
firearm to a person pursuant to the requirement set forth in 752  
this division, division (B) of section 2923.163 of the Revised 753  
Code applies. 754

**Sec. 2923.126.** (A) A concealed handgun license that is 755  
issued under section 2923.125 of the Revised Code shall expire 756  
five years after the date of issuance. A licensee who has been 757  
issued a license under that section shall be granted a grace 758  
period of thirty days after the licensee's license expires 759  
during which the licensee's license remains valid. Except as 760  
provided in divisions (B) and (C) of this section, a licensee 761  
who has been issued a concealed handgun license under section 762  
2923.125 or 2923.1213 of the Revised Code may carry a concealed 763  
handgun anywhere in this state if the licensee also carries a 764

valid license and valid identification when the licensee is in 765  
actual possession of a concealed handgun. The licensee shall 766  
give notice of any change in the licensee's residence address to 767  
the sheriff who issued the license within forty-five days after 768  
that change. 769

If a licensee is the driver or an occupant of a motor 770  
vehicle that is stopped as the result of a traffic stop or a 771  
stop for another law enforcement purpose and if the licensee is 772  
transporting or has a loaded handgun in the motor vehicle at 773  
that time, the licensee shall promptly inform any law 774  
enforcement officer who approaches the vehicle while stopped 775  
that the licensee has been issued a concealed handgun license 776  
and that the licensee currently possesses or has a loaded 777  
handgun; the licensee shall not knowingly disregard or fail to 778  
comply with lawful orders of a law enforcement officer given 779  
while the motor vehicle is stopped, knowingly fail to remain in 780  
the motor vehicle while stopped unless directed otherwise by a 781  
law enforcement officer, or knowingly fail to keep the 782  
licensee's hands in plain sight after any law enforcement 783  
officer begins approaching the licensee while stopped and before 784  
the officer leaves, unless it is impractical to keep the 785  
licensee's hands in plain sight in that manner or the licensee 786  
is directed otherwise by a law enforcement officer; and the 787  
licensee shall not knowingly have contact with the loaded 788  
handgun by touching it with the licensee's hands or fingers, in 789  
any manner in violation of division (E) of section 2923.16 of 790  
the Revised Code, after any law enforcement officer begins 791  
approaching the licensee while stopped and before the officer 792  
leaves. Additionally, if a licensee is the driver or an occupant 793  
of a commercial motor vehicle that is stopped by an employee of 794  
the motor carrier enforcement unit for the purposes defined in 795

section 5503.34 of the Revised Code and ~~if~~ the licensee is 796  
transporting or has a loaded handgun in the commercial motor 797  
vehicle at that time, the licensee shall promptly inform the 798  
employee of the unit who approaches the vehicle while stopped 799  
that the licensee has been issued a concealed handgun license 800  
and that the licensee currently possesses or has a loaded 801  
handgun. 802

If a licensee is stopped for a law enforcement purpose and 803  
if the licensee is carrying a concealed handgun at the time the 804  
officer approaches, the licensee shall promptly inform any law 805  
enforcement officer who approaches the licensee while stopped 806  
that the licensee has been issued a concealed handgun license 807  
and that the licensee currently is carrying a concealed handgun; 808  
the licensee shall not knowingly disregard or fail to comply 809  
with lawful orders of a law enforcement officer given while the 810  
licensee is stopped, or knowingly fail to keep the licensee's 811  
hands in plain sight after any law enforcement officer begins 812  
approaching the licensee while stopped and before the officer 813  
leaves, unless it is impractical to keep the licensee's hands in 814  
plain sight in that manner or the licensee is directed otherwise 815  
by a law enforcement officer; and the licensee shall not 816  
knowingly remove, attempt to remove, grasp, or hold the loaded 817  
handgun or knowingly have contact with the loaded handgun by 818  
touching it with the licensee's hands or fingers, in any manner 819  
in violation of division (B) of section 2923.12 of the Revised 820  
Code, after any law enforcement officer begins approaching the 821  
licensee while stopped and before the officer leaves. 822

(B) A valid concealed handgun license does not authorize 823  
the licensee to carry a concealed handgun in any manner 824  
prohibited under division (B) of section 2923.12 of the Revised 825  
Code or in any manner prohibited under section 2923.16 of the 826

Revised Code. A valid license does not authorize the licensee to 827  
carry a concealed handgun into any of the following places: 828

(1) A police station, sheriff's office, or state highway 829  
patrol station, premises controlled by the bureau of criminal 830  
identification and investigation; a state correctional 831  
institution, jail, workhouse, or other detention facility; any 832  
area of an airport passenger terminal that is beyond a passenger 833  
or property screening checkpoint or to which access is 834  
restricted through security measures by the airport authority or 835  
a public agency; or an institution that is maintained, operated, 836  
managed, and governed pursuant to division (A) of section 837  
5119.14 of the Revised Code or division (A) (1) of section 838  
5123.03 of the Revised Code; 839

(2) A school safety zone if the licensee's carrying the 840  
concealed handgun is in violation of section 2923.122 of the 841  
Revised Code; 842

(3) A courthouse or another building or structure in which 843  
a courtroom is located, if the licensee's carrying the concealed 844  
handgun is in violation of section 2923.123 of the Revised Code; 845

(4) Any premises or open air arena for which a D permit 846  
has been issued under Chapter 4303. of the Revised Code if the 847  
licensee's carrying the concealed handgun is in violation of 848  
section 2923.121 of the Revised Code; 849

(5) Any premises owned or leased by any public or private 850  
college, university, or other institution of higher education, 851  
unless the handgun is in a locked motor vehicle or the licensee 852  
is in the immediate process of placing the handgun in a locked 853  
motor vehicle or unless the licensee is carrying the concealed 854  
handgun pursuant to a written policy, rule, or other 855

authorization that is adopted by the institution's board of 856  
trustees or other governing body and that authorizes specific 857  
individuals or classes of individuals to carry a concealed 858  
handgun on the premises; 859

(6) Any church, synagogue, mosque, or other place of 860  
worship, unless the church, synagogue, mosque, or other place of 861  
worship posts or permits otherwise; 862

(7) Any building that is a government facility of this 863  
state or a political subdivision of this state and that is not a 864  
building that is used primarily as a shelter, restroom, parking 865  
facility for motor vehicles, or rest facility and is not a 866  
courthouse or other building or structure in which a courtroom 867  
is located that is subject to division (B) (3) of this section, 868  
unless the governing body with authority over the building has 869  
enacted a statute, ordinance, or policy that permits a licensee 870  
to carry a concealed handgun into the building; 871

(8) A place in which federal law prohibits the carrying of 872  
handguns. 873

(C) (1) Nothing in this section shall negate or restrict a 874  
rule, policy, or practice of a private employer that is not a 875  
private college, university, or other institution of higher 876  
education concerning or prohibiting the presence of firearms on 877  
the private employer's premises or property, including motor 878  
vehicles owned by the private employer. Nothing in this section 879  
shall require a private employer of that nature to adopt a rule, 880  
policy, or practice concerning or prohibiting the presence of 881  
firearms on the private employer's premises or property, 882  
including motor vehicles owned by the private employer. 883

(2) (a) A private employer shall be immune from liability 884

in a civil action for any injury, death, or loss to person or 885  
property that allegedly was caused by or related to a licensee 886  
bringing a handgun onto the premises or property of the private 887  
employer, including motor vehicles owned by the private 888  
employer, unless the private employer acted with malicious 889  
purpose. A private employer is immune from liability in a civil 890  
action for any injury, death, or loss to person or property that 891  
allegedly was caused by or related to the private employer's 892  
decision to permit a licensee to bring, or prohibit a licensee 893  
from bringing, a handgun onto the premises or property of the 894  
private employer. 895

(b) A political subdivision shall be immune from liability 896  
in a civil action, to the extent and in the manner provided in 897  
Chapter 2744. of the Revised Code, for any injury, death, or 898  
loss to person or property that allegedly was caused by or 899  
related to a licensee bringing a handgun onto any premises or 900  
property owned, leased, or otherwise under the control of the 901  
political subdivision. As used in this division, "political 902  
subdivision" has the same meaning as in section 2744.01 of the 903  
Revised Code. 904

(c) An institution of higher education shall be immune 905  
from liability in a civil action for any injury, death, or loss 906  
to person or property that allegedly was caused by or related to 907  
a licensee bringing a handgun onto the premises of the 908  
institution, including motor vehicles owned by the institution, 909  
unless the institution acted with malicious purpose. An 910  
institution of higher education is immune from liability in a 911  
civil action for any injury, death, or loss to person or 912  
property that allegedly was caused by or related to the 913  
institution's decision to permit a licensee or class of 914  
licensees to bring a handgun onto the premises of the 915

institution. 916

(3) (a) Except as provided in division (C) (3) (b) of this 917  
section, the owner or person in control of private land or 918  
premises, and a private person or entity leasing land or 919  
premises owned by the state, the United States, or a political 920  
subdivision of the state or the United States, may post a sign 921  
in a conspicuous location on that land or on those premises 922  
prohibiting persons from carrying firearms or concealed firearms 923  
on or onto that land or those premises. Except as otherwise 924  
provided in this division, a person who knowingly violates a 925  
posted prohibition of that nature is guilty of criminal trespass 926  
in violation of division (A) (4) of section 2911.21 of the 927  
Revised Code and is guilty of a misdemeanor of the fourth 928  
degree. If a person knowingly violates a posted prohibition of 929  
that nature and the posted land or premises primarily was a 930  
parking lot or other parking facility, the person is not guilty 931  
of criminal trespass under section 2911.21 of the Revised Code 932  
or under any other criminal law of this state or criminal law, 933  
ordinance, or resolution of a political subdivision of this 934  
state, and instead is subject only to a civil cause of action 935  
for trespass based on the violation. 936

If a person knowingly violates a posted prohibition of the 937  
nature described in this division and the posted land or 938  
premises is a child day-care center, type A family day-care 939  
home, or type B family day-care home, unless the person is a 940  
licensee who resides in a type A family day-care home or type B 941  
family day-care home, the person is guilty of aggravated 942  
trespass in violation of section 2911.211 of the Revised Code. 943  
Except as otherwise provided in this division, the offender is 944  
guilty of a misdemeanor of the first degree. If the person 945  
previously has been convicted of a violation of this division or 946



of any offense of violence, if the weapon involved is a firearm 947  
that is either loaded or for which the offender has ammunition 948  
ready at hand, or if the weapon involved is dangerous ordnance, 949  
the offender is guilty of a felony of the fourth degree. 950

(b) A landlord may not prohibit or restrict a tenant who 951  
is a licensee and who on or after September 9, 2008, enters into 952  
a rental agreement with the landlord for the use of residential 953  
premises, and the tenant's guest while the tenant is present, 954  
from lawfully carrying or possessing a handgun on those 955  
residential premises. 956

(c) As used in division (C) (3) of this section: 957

(i) "Residential premises" has the same meaning as in 958  
section 5321.01 of the Revised Code, except "residential 959  
premises" does not include a dwelling unit that is owned or 960  
operated by a college or university. 961

(ii) "Landlord," "tenant," and "rental agreement" have the 962  
same meanings as in section 5321.01 of the Revised Code. 963

(D) A person who holds a valid concealed handgun license 964  
issued by another state that is recognized by the attorney 965  
general pursuant to a reciprocity agreement entered into 966  
pursuant to section 109.69 of the Revised Code or a person who 967  
holds a valid concealed handgun license under the circumstances 968  
described in division (B) of section 109.69 of the Revised Code 969  
has the same right to carry a concealed handgun in this state as 970  
a person who was issued a concealed handgun license under 971  
section 2923.125 of the Revised Code and is subject to the same 972  
restrictions that apply to a person who carries a license issued 973  
under that section. 974

(E) (1) A peace officer has the same right to carry a 975

concealed handgun in this state as a person who was issued a 976  
concealed handgun license under section 2923.125 of the Revised 977  
Code. For purposes of reciprocity with other states, a peace 978  
officer shall be considered to be a licensee in this state. 979

(2) An active duty member of the armed forces of the 980  
United States who is carrying a valid military identification 981  
card and documentation of successful completion of firearms 982  
training that meets or exceeds the training requirements 983  
described in division (G) (1) of section 2923.125 of the Revised 984  
Code has the same right to carry a concealed handgun in this 985  
state as a person who was issued a concealed handgun license 986  
under section 2923.125 of the Revised Code and is subject to the 987  
same restrictions as specified in this section. 988

(F) (1) A qualified retired peace officer who possesses a 989  
retired peace officer identification card issued pursuant to 990  
division (F) (2) of this section and a valid firearms 991  
requalification certification issued pursuant to division (F) (3) 992  
of this section has the same right to carry a concealed handgun 993  
in this state as a person who was issued a concealed handgun 994  
license under section 2923.125 of the Revised Code and is 995  
subject to the same restrictions that apply to a person who 996  
carries a license issued under that section. For purposes of 997  
reciprocity with other states, a qualified retired peace officer 998  
who possesses a retired peace officer identification card issued 999  
pursuant to division (F) (2) of this section and a valid firearms 1000  
requalification certification issued pursuant to division (F) (3) 1001  
of this section shall be considered to be a licensee in this 1002  
state. 1003

(2) (a) Each public agency of this state or of a political 1004  
subdivision of this state that is served by one or more peace 1005

officers shall issue a retired peace officer identification card 1006  
to any person who retired from service as a peace officer with 1007  
that agency, if the issuance is in accordance with the agency's 1008  
policies and procedures and if the person, with respect to the 1009  
person's service with that agency, satisfies all of the 1010  
following: 1011

(i) The person retired in good standing from service as a 1012  
peace officer with the public agency, and the retirement was not 1013  
for reasons of mental instability. 1014

(ii) Before retiring from service as a peace officer with 1015  
that agency, the person was authorized to engage in or supervise 1016  
the prevention, detection, investigation, or prosecution of, or 1017  
the incarceration of any person for, any violation of law and 1018  
the person had statutory powers of arrest. 1019

(iii) At the time of the person's retirement as a peace 1020  
officer with that agency, the person was trained and qualified 1021  
to carry firearms in the performance of the peace officer's 1022  
duties. 1023

(iv) Before retiring from service as a peace officer with 1024  
that agency, the person was regularly employed as a peace 1025  
officer for an aggregate of fifteen years or more, or, in the 1026  
alternative, the person retired from service as a peace officer 1027  
with that agency, after completing any applicable probationary 1028  
period of that service, due to a service-connected disability, 1029  
as determined by the agency. 1030

(b) A retired peace officer identification card issued to 1031  
a person under division (F)(2)(a) of this section shall identify 1032  
the person by name, contain a photograph of the person, identify 1033  
the public agency of this state or of the political subdivision 1034

of this state from which the person retired as a peace officer 1035  
and that is issuing the identification card, and specify that 1036  
the person retired in good standing from service as a peace 1037  
officer with the issuing public agency and satisfies the 1038  
criteria set forth in divisions (F) (2) (a) (i) to (iv) of this 1039  
section. In addition to the required content specified in this 1040  
division, a retired peace officer identification card issued to 1041  
a person under division (F) (2) (a) of this section may include 1042  
the firearms requalification certification described in division 1043  
(F) (3) of this section, and if the identification card includes 1044  
that certification, the identification card shall serve as the 1045  
firearms requalification certification for the retired peace 1046  
officer. If the issuing public agency issues credentials to 1047  
active law enforcement officers who serve the agency, the agency 1048  
may comply with division (F) (2) (a) of this section by issuing 1049  
the same credentials to persons who retired from service as a 1050  
peace officer with the agency and who satisfy the criteria set 1051  
forth in divisions (F) (2) (a) (i) to (iv) of this section, 1052  
provided that the credentials so issued to retired peace 1053  
officers are stamped with the word "RETIRED." 1054

(c) A public agency of this state or of a political 1055  
subdivision of this state may charge persons who retired from 1056  
service as a peace officer with the agency a reasonable fee for 1057  
issuing to the person a retired peace officer identification 1058  
card pursuant to division (F) (2) (a) of this section. 1059

(3) If a person retired from service as a peace officer 1060  
with a public agency of this state or of a political subdivision 1061  
of this state and the person satisfies the criteria set forth in 1062  
divisions (F) (2) (a) (i) to (iv) of this section, the public 1063  
agency may provide the retired peace officer with the 1064  
opportunity to attend a firearms requalification program that is 1065

approved for purposes of firearms requalification required under 1066  
section 109.801 of the Revised Code. The retired peace officer 1067  
may be required to pay the cost of the course. 1068

If a retired peace officer who satisfies the criteria set 1069  
forth in divisions (F)(2)(a)(i) to (iv) of this section attends 1070  
a firearms requalification program that is approved for purposes 1071  
of firearms requalification required under section 109.801 of 1072  
the Revised Code, the retired peace officer's successful 1073  
completion of the firearms requalification program requalifies 1074  
the retired peace officer for purposes of division (F) of this 1075  
section for five years from the date on which the program was 1076  
successfully completed, and the requalification is valid during 1077  
that five-year period. If a retired peace officer who satisfies 1078  
the criteria set forth in divisions (F)(2)(a)(i) to (iv) of this 1079  
section satisfactorily completes such a firearms requalification 1080  
program, the retired peace officer shall be issued a firearms 1081  
requalification certification that identifies the retired peace 1082  
officer by name, identifies the entity that taught the program, 1083  
specifies that the retired peace officer successfully completed 1084  
the program, specifies the date on which the course was 1085  
successfully completed, and specifies that the requalification 1086  
is valid for five years from that date of successful completion. 1087  
The firearms requalification certification for a retired peace 1088  
officer may be included in the retired peace officer 1089  
identification card issued to the retired peace officer under 1090  
division (F)(2) of this section. 1091

A retired peace officer who attends a firearms 1092  
requalification program that is approved for purposes of 1093  
firearms requalification required under section 109.801 of the 1094  
Revised Code may be required to pay the cost of the program. 1095

(G) As used in this section: 1096

(1) "Qualified retired peace officer" means a person who 1097  
satisfies all of the following: 1098

(a) The person satisfies the criteria set forth in 1099  
divisions (F) (2) (a) (i) to (v) of this section. 1100

(b) The person is not under the influence of alcohol or 1101  
another intoxicating or hallucinatory drug or substance. 1102

(c) The person is not prohibited by federal law from 1103  
receiving firearms. 1104

(2) "Retired peace officer identification card" means an 1105  
identification card that is issued pursuant to division (F) (2) 1106  
of this section to a person who is a retired peace officer. 1107

(3) "Government facility of this state or a political 1108  
subdivision of this state" means any of the following: 1109

(a) A building or part of a building that is owned or 1110  
leased by the government of this state or a political 1111  
subdivision of this state and where employees of the government 1112  
of this state or the political subdivision regularly are present 1113  
for the purpose of performing their official duties as employees 1114  
of the state or political subdivision; 1115

(b) The office of a deputy registrar serving pursuant to 1116  
Chapter 4503. of the Revised Code that is used to perform deputy 1117  
registrar functions. 1118

(4) "Governing body" has the same meaning as in section 1119  
154.01 of the Revised Code. 1120

**Sec. 2923.16.** (A) No person shall knowingly discharge a 1121  
firearm while in or on a motor vehicle. 1122

(B) No person shall knowingly transport or have a loaded 1123  
firearm in a motor vehicle in such a manner that the firearm is 1124  
accessible to the operator or any passenger without leaving the 1125  
vehicle. 1126

(C) No person shall knowingly transport or have a firearm 1127  
in a motor vehicle, unless the person may lawfully possess that 1128  
firearm under applicable law of this state or the United States, 1129  
the firearm is unloaded, and the firearm is carried in one of 1130  
the following ways: 1131

(1) In a closed package, box, or case; 1132

(2) In a compartment that can be reached only by leaving 1133  
the vehicle; 1134

(3) In plain sight and secured in a rack or holder made 1135  
for the purpose; 1136

(4) If the firearm is at least twenty-four inches in 1137  
overall length as measured from the muzzle to the part of the 1138  
stock furthest from the muzzle and if the barrel is at least 1139  
eighteen inches in length, either in plain sight with the action 1140  
open or the weapon stripped, or, if the firearm is of a type on 1141  
which the action will not stay open or which cannot easily be 1142  
stripped, in plain sight. 1143

(D) No person shall knowingly transport or have a loaded 1144  
handgun in a motor vehicle if, at the time of that 1145  
transportation or possession, any of the following applies: 1146

(1) The person is under the influence of alcohol, a drug 1147  
of abuse, or a combination of them. 1148

(2) The person's whole blood, blood serum or plasma, 1149  
breath, or urine contains a concentration of alcohol, a listed 1150

controlled substance, or a listed metabolite of a controlled 1151  
substance prohibited for persons operating a vehicle, as 1152  
specified in division (A) of section 4511.19 of the Revised 1153  
Code, regardless of whether the person at the time of the 1154  
transportation or possession as described in this division is 1155  
the operator of or a passenger in the motor vehicle. 1156

(E) No person who has been issued a concealed handgun 1157  
license or who is an active duty member of the armed forces of 1158  
the United States and is carrying a valid military 1159  
identification card and documentation of successful completion 1160  
of firearms training that meets or exceeds the training 1161  
requirements described in division (G)(1) of section 2923.125 of 1162  
the Revised Code, who is the driver or an occupant of a motor 1163  
vehicle that is stopped as a result of a traffic stop or a stop 1164  
for another law enforcement purpose or is the driver or an 1165  
occupant of a commercial motor vehicle that is stopped by an 1166  
employee of the motor carrier enforcement unit for the purposes 1167  
defined in section 5503.34 of the Revised Code, and who is 1168  
transporting or has a loaded handgun in the motor vehicle or 1169  
commercial motor vehicle in any manner, shall do any of the 1170  
following: 1171

(1) Fail to promptly inform any law enforcement officer 1172  
who approaches the vehicle while stopped that the person has 1173  
been issued a concealed handgun license or is authorized to 1174  
carry a concealed handgun as an active duty member of the armed 1175  
forces of the United States and that the person then possesses 1176  
or has a loaded handgun in the motor vehicle; 1177

(2) Fail to promptly inform the employee of the motor 1178  
carrier enforcement unit who approaches the vehicle while 1179  
stopped that the person has been issued a concealed handgun 1180



license or is authorized to carry a concealed handgun as an 1181  
active duty member of the armed forces of the United States and 1182  
that the person then possesses or has a loaded handgun in the 1183  
commercial motor vehicle; 1184

(3) Knowingly fail to remain in the motor vehicle while 1185  
~~stopped or knowingly fail to keep the person's hands in plain~~ 1186  
~~sight at any time after any law enforcement officer begins~~ 1187  
~~approaching the person while stopped and before the law~~ 1188  
~~enforcement officer leaves,~~ unless the failure is pursuant to 1189  
and in accordance with directions given by a law enforcement 1190  
officer; 1191

(4) Knowingly have contact with the loaded handgun by 1192  
touching it with the person's hands or fingers in the motor 1193  
vehicle at any time after the law enforcement officer begins 1194  
approaching and before the law enforcement officer leaves, 1195  
unless the person has contact with the loaded handgun pursuant 1196  
to and in accordance with directions given by the law 1197  
enforcement officer; 1198

(5) Knowingly disregard or fail to comply with any lawful 1199  
order of any law enforcement officer given while the motor 1200  
vehicle is stopped, including, but not limited to, a specific 1201  
order to the person to keep the person's hands in plain sight. 1202

(F) (1) Divisions (A), (B), (C), and (E) of this section do 1203  
not apply to any of the following: 1204

(a) An officer, agent, or employee of this or any other 1205  
state or the United States, or a law enforcement officer, when 1206  
authorized to carry or have loaded or accessible firearms in 1207  
motor vehicles and acting within the scope of the officer's, 1208  
agent's, or employee's duties; 1209

(b) Any person who is employed in this state, who is 1210  
authorized to carry or have loaded or accessible firearms in 1211  
motor vehicles, and who is subject to and in compliance with the 1212  
requirements of section 109.801 of the Revised Code, unless the 1213  
appointing authority of the person has expressly specified that 1214  
the exemption provided in division (F)(1)(b) of this section 1215  
does not apply to the person. 1216

(2) Division (A) of this section does not apply to a 1217  
person if all of the following circumstances apply: 1218

(a) The person discharges a firearm from a motor vehicle 1219  
at a coyote or groundhog, the discharge is not during the deer 1220  
gun hunting season as set by the chief of the division of 1221  
wildlife of the department of natural resources, and the 1222  
discharge at the coyote or groundhog, but for the operation of 1223  
this section, is lawful. 1224

(b) The motor vehicle from which the person discharges the 1225  
firearm is on real property that is located in an unincorporated 1226  
area of a township and that either is zoned for agriculture or 1227  
is used for agriculture. 1228

(c) The person owns the real property described in 1229  
division (F)(2)(b) of this section, is the spouse or a child of 1230  
another person who owns that real property, is a tenant of 1231  
another person who owns that real property, or is the spouse or 1232  
a child of a tenant of another person who owns that real 1233  
property. 1234

(d) The person does not discharge the firearm in any of 1235  
the following manners: 1236

(i) While under the influence of alcohol, a drug of abuse, 1237  
or alcohol and a drug of abuse; 1238

(ii) In the direction of a street, highway, or other 1239  
public or private property used by the public for vehicular 1240  
traffic or parking; 1241

(iii) At or into an occupied structure that is a permanent 1242  
or temporary habitation; 1243

(iv) In the commission of any violation of law, including, 1244  
but not limited to, a felony that includes, as an essential 1245  
element, purposely or knowingly causing or attempting to cause 1246  
the death of or physical harm to another and that was committed 1247  
by discharging a firearm from a motor vehicle. 1248

(3) Division (A) of this section does not apply to a 1249  
person if all of the following apply: 1250

(a) The person possesses a valid electric-powered all- 1251  
purpose vehicle permit issued under section 1533.103 of the 1252  
Revised Code by the chief of the division of wildlife. 1253

(b) The person discharges a firearm at a wild quadruped or 1254  
game bird as defined in section 1531.01 of the Revised Code 1255  
during the open hunting season for the applicable wild quadruped 1256  
or game bird. 1257

(c) The person discharges a firearm from a stationary 1258  
electric-powered all-purpose vehicle as defined in section 1259  
1531.01 of the Revised Code or a motor vehicle that is parked on 1260  
a road that is owned or administered by the division of 1261  
wildlife, provided that the road is identified by an electric- 1262  
powered all-purpose vehicle sign. 1263

(d) The person does not discharge the firearm in any of 1264  
the following manners: 1265

(i) While under the influence of alcohol, a drug of abuse, 1266

or alcohol and a drug of abuse; 1267

(ii) In the direction of a street, a highway, or other 1268  
public or private property that is used by the public for 1269  
vehicular traffic or parking; 1270

(iii) At or into an occupied structure that is a permanent 1271  
or temporary habitation; 1272

(iv) In the commission of any violation of law, including, 1273  
but not limited to, a felony that includes, as an essential 1274  
element, purposely or knowingly causing or attempting to cause 1275  
the death of or physical harm to another and that was committed 1276  
by discharging a firearm from a motor vehicle. 1277

(4) Divisions (B) and (C) of this section do not apply to 1278  
a person if all of the following circumstances apply: 1279

(a) At the time of the alleged violation of either of 1280  
those divisions, the person is the operator of or a passenger in 1281  
a motor vehicle. 1282

(b) The motor vehicle is on real property that is located 1283  
in an unincorporated area of a township and that either is zoned 1284  
for agriculture or is used for agriculture. 1285

(c) The person owns the real property described in 1286  
division (D) (4) (b) of this section, is the spouse or a child of 1287  
another person who owns that real property, is a tenant of 1288  
another person who owns that real property, or is the spouse or 1289  
a child of a tenant of another person who owns that real 1290  
property. 1291

(d) The person, prior to arriving at the real property 1292  
described in division (D) (4) (b) of this section, did not 1293  
transport or possess a firearm in the motor vehicle in a manner 1294

prohibited by division (B) or (C) of this section while the 1295  
motor vehicle was being operated on a street, highway, or other 1296  
public or private property used by the public for vehicular 1297  
traffic or parking. 1298

(5) Divisions (B) and (C) of this section do not apply to 1299  
a person who transports or possesses a handgun in a motor 1300  
vehicle if, at the time of that transportation or possession, 1301  
both of the following apply: 1302

(a) The person transporting or possessing the handgun is 1303  
either carrying a valid concealed handgun license or is an 1304  
active duty member of the armed forces of the United States and 1305  
is carrying a valid military identification card and 1306  
documentation of successful completion of firearms training that 1307  
meets or exceeds the training requirements described in division 1308  
(G) (1) of section 2923.125 of the Revised Code. 1309

(b) The person transporting or possessing the handgun is 1310  
not knowingly in a place described in division (B) of section 1311  
2923.126 of the Revised Code. 1312

(6) Divisions (B) and (C) of this section do not apply to 1313  
a person if all of the following apply: 1314

(a) The person possesses a valid electric-powered all- 1315  
purpose vehicle permit issued under section 1533.103 of the 1316  
Revised Code by the chief of the division of wildlife. 1317

(b) The person is on or in an electric-powered all-purpose 1318  
vehicle as defined in section 1531.01 of the Revised Code or a 1319  
motor vehicle during the open hunting season for a wild 1320  
quadruped or game bird. 1321

(c) The person is on or in an electric-powered all-purpose 1322  
vehicle as defined in section 1531.01 of the Revised Code or a 1323

motor vehicle that is parked on a road that is owned or 1324  
administered by the division of wildlife, provided that the road 1325  
is identified by an electric-powered all-purpose vehicle sign. 1326

(7) Nothing in this section prohibits or restricts a 1327  
person from possessing, storing, or leaving a firearm in a 1328  
locked motor vehicle that is parked in the state underground 1329  
parking garage at the state capitol building or in the parking 1330  
garage at the Riffe center for government and the arts in 1331  
Columbus, if the person's transportation and possession of the 1332  
firearm in the motor vehicle while traveling to the premises or 1333  
facility was not in violation of division (A), (B), (C), (D), or 1334  
(E) of this section or any other provision of the Revised Code. 1335

(G) (1) The affirmative defenses authorized in divisions 1336  
(D) (1) and (2) of section 2923.12 of the Revised Code are 1337  
affirmative defenses to a charge under division (B) or (C) of 1338  
this section that involves a firearm other than a handgun. 1339

(2) It is an affirmative defense to a charge under 1340  
division (B) or (C) of this section of improperly handling 1341  
firearms in a motor vehicle that the actor transported or had 1342  
the firearm in the motor vehicle for any lawful purpose and 1343  
while the motor vehicle was on the actor's own property, 1344  
provided that this affirmative defense is not available unless 1345  
the person, immediately prior to arriving at the actor's own 1346  
property, did not transport or possess the firearm in a motor 1347  
vehicle in a manner prohibited by division (B) or (C) of this 1348  
section while the motor vehicle was being operated on a street, 1349  
highway, or other public or private property used by the public 1350  
for vehicular traffic. 1351

(H) (1) No person who is charged with a violation of 1352  
division (B), (C), or (D) of this section shall be required to 1353

obtain a concealed handgun license as a condition for the 1354  
dismissal of the charge. 1355

(2) (a) If a person is convicted of, was convicted of, 1356  
pleads guilty to, or has pleaded guilty to a violation of 1357  
division (E) of this section as it existed prior to September 1358  
30, 2011, and if the conduct that was the basis of the violation 1359  
no longer would be a violation of division (E) of this section 1360  
on or after September 30, 2011, the person may file an 1361  
application under section 2953.37 of the Revised Code requesting 1362  
the expungement of the record of conviction. 1363

If a person is convicted of, was convicted of, pleads 1364  
guilty to, or has pleaded guilty to a violation of division (B) 1365  
or (C) of this section as the division existed prior to 1366  
September 30, 2011, and if the conduct that was the basis of the 1367  
violation no longer would be a violation of division (B) or (C) 1368  
of this section on or after September 30, 2011, due to the 1369  
application of division (F) (5) of this section as it exists on 1370  
and after September 30, 2011, the person may file an application 1371  
under section 2953.37 of the Revised Code requesting the 1372  
expungement of the record of conviction. 1373

(b) The attorney general shall develop a public media 1374  
advisory that summarizes the expungement procedure established 1375  
under section 2953.37 of the Revised Code and the offenders 1376  
identified in division (H) (2) (a) of this section who are 1377  
authorized to apply for the expungement. Within thirty days 1378  
after September 30, 2011, the attorney general shall provide a 1379  
copy of the advisory to each daily newspaper published in this 1380  
state and each television station that broadcasts in this state. 1381  
The attorney general may provide the advisory in a tangible 1382  
form, an electronic form, or in both tangible and electronic 1383

forms. 1384

(I) Whoever violates this section is guilty of improperly 1385  
handling firearms in a motor vehicle. 1386

Violation and shall be punished as described in division 1387  
(I) (1), (2), (3), (4), or (5) of this section: 1388

(1) A violation of division (A) of this section is a 1389  
felony of the fourth degree. 1390

Violation (2) Except as otherwise provided in this 1391  
division, a violation of division (C) of this section is a minor 1392  
misdemeanor. A violation of division (C) of this section 1393  
committed in circumstances in which the offender committed any 1394  
other offense while transporting or having the firearm in the 1395  
motor vehicle is a misdemeanor of the fourth degree. 1396

(3) A violation of division (D) of this section is a 1397  
felony of the fifth degree or, if the loaded handgun is 1398  
concealed on the person's person, a felony of the fourth degree. 1399  
~~Except~~ 1400

(4) Except as otherwise provided in this division, a 1401  
violation of division (E) (1), (2), (3), (4), or (5) of this 1402  
section is a minor misdemeanor. Except as otherwise provided in 1403  
this division, a violation of division (E) (1) or (2) of this 1404  
section committed in circumstances in which the offender 1405  
committed any other offense while transporting or having the 1406  
loaded handgun in the motor vehicle is a misdemeanor of the 1407  
first degree, and, in addition to any other penalty or sanction 1408  
imposed for the violation, the offender's concealed handgun 1409  
license shall be suspended pursuant to division (A) (2) of 1410  
section 2923.128 of the Revised Code. ~~If~~ Regardless of the 1411  
circumstances of the offender's conduct, if at the time of the 1412



stop of the offender for a traffic stop, for another law 1413  
enforcement purpose, or for a purpose defined in section 5503.34 1414  
of the Revised Code that was the basis of the violation any law 1415  
enforcement officer involved with the stop or the employee of 1416  
the motor carrier enforcement unit who made the stop had actual 1417  
knowledge of the offender's status as a licensee, a violation of 1418  
division (E) (1) or (2) of this section is a minor misdemeanor, 1419  
and the offender's concealed handgun license shall not be 1420  
suspended pursuant to division (A) (2) of section 2923.128 of the 1421  
Revised Code. A violation of division (E) (4) of this section 1422  
committed in circumstances in which the offender committed any 1423  
other offense while transporting or having the loaded handgun in 1424  
the motor vehicle is a felony of the fifth degree. A violation 1425  
of division (E) (3) or (5) of this section committed in 1426  
circumstances in which the offender committed any other offense 1427  
while transporting or having the loaded handgun in the motor 1428  
vehicle is a misdemeanor of the first degree or, if the offender 1429  
previously has been convicted of or pleaded guilty to a 1430  
violation of division (E) (3) or (5) of this section, a felony of 1431  
the fifth degree. In addition to any other penalty or sanction 1432  
imposed for a misdemeanor violation of division (E) (3) or (5) of 1433  
this section, the offender's concealed handgun license shall be 1434  
suspended pursuant to division (A) (2) of section 2923.128 of the 1435  
Revised Code. ~~A~~ 1436

(5) Except as otherwise provided in this division, a 1437  
violation of division (B) of this section is a minor 1438  
misdemeanor. A violation of division (B) of this section 1439  
committed in circumstances in which the offender committed any 1440  
other offense while transporting or having the loaded firearm in 1441  
the motor vehicle is a felony of the fourth degree. 1442

(J) If a law enforcement officer stops a motor vehicle for 1443

a traffic stop or any other purpose, if any person in the motor 1444  
vehicle surrenders a firearm to the officer, either voluntarily 1445  
or pursuant to a request or demand of the officer, and if the 1446  
officer does not charge the person with a violation of this 1447  
section or arrest the person for any offense, the person is not 1448  
otherwise prohibited by law from possessing the firearm, and the 1449  
firearm is not contraband, the officer shall return the firearm 1450  
to the person at the termination of the stop. If a court orders 1451  
a law enforcement officer to return a firearm to a person 1452  
pursuant to the requirement set forth in this division, division 1453  
(B) of section 2923.163 of the Revised Code applies. 1454

(K) As used in this section: 1455

(1) "Motor vehicle," "street," and "highway" have the same 1456  
meanings as in section 4511.01 of the Revised Code. 1457

(2) "Occupied structure" has the same meaning as in 1458  
section 2909.01 of the Revised Code. 1459

(3) "Agriculture" has the same meaning as in section 1460  
519.01 of the Revised Code. 1461

(4) "Tenant" has the same meaning as in section 1531.01 of 1462  
the Revised Code. 1463

(5) (a) "Unloaded" means, with respect to a firearm other 1464  
than a firearm described in division (K) (6) of this section, 1465  
that no ammunition is in the firearm in question, no magazine or 1466  
speed loader containing ammunition is inserted into the firearm 1467  
in question, and one of the following applies: 1468

(i) There is no ammunition in a magazine or speed loader 1469  
that is in the vehicle in question and that may be used with the 1470  
firearm in question. 1471

(ii) Any magazine or speed loader that contains ammunition 1472  
and that may be used with the firearm in question is stored in a 1473  
compartment within the vehicle in question that cannot be 1474  
accessed without leaving the vehicle or is stored in a container 1475  
that provides complete and separate enclosure. 1476

(b) For the purposes of division (K) (5) (a) (ii) of this 1477  
section, a "container that provides complete and separate 1478  
enclosure" includes, but is not limited to, any of the 1479  
following: 1480

(i) A package, box, or case with multiple compartments, as 1481  
long as the loaded magazine or speed loader and the firearm in 1482  
question either are in separate compartments within the package, 1483  
box, or case, or, if they are in the same compartment, the 1484  
magazine or speed loader is contained within a separate 1485  
enclosure in that compartment that does not contain the firearm 1486  
and that closes using a snap, button, buckle, zipper, hook and 1487  
loop closing mechanism, or other fastener that must be opened to 1488  
access the contents or the firearm is contained within a 1489  
separate enclosure of that nature in that compartment that does 1490  
not contain the magazine or speed loader; 1491

(ii) A pocket or other enclosure on the person of the 1492  
person in question that closes using a snap, button, buckle, 1493  
zipper, hook and loop closing mechanism, or other fastener that 1494  
must be opened to access the contents. 1495

(c) For the purposes of divisions (K) (5) (a) and (b) of 1496  
this section, ammunition held in stripper-clips or in en-bloc 1497  
clips is not considered ammunition that is loaded into a 1498  
magazine or speed loader. 1499

(6) "Unloaded" means, with respect to a firearm employing 1500

a percussion cap, flintlock, or other obsolete ignition system, 1501  
when the weapon is uncapped or when the priming charge is 1502  
removed from the pan. 1503

(7) "Commercial motor vehicle" has the same meaning as in 1504  
division (A) of section 4506.25 of the Revised Code. 1505

(8) "Motor carrier enforcement unit" means the motor 1506  
carrier enforcement unit in the department of public safety, 1507  
division of state highway patrol, that is created by section 1508  
5503.34 of the Revised Code. 1509

(L) Divisions (K) (5) (a) and (b) of this section do not 1510  
affect the authority of a person who is carrying a valid 1511  
concealed handgun license to have one or more magazines or speed 1512  
loaders containing ammunition anywhere in a vehicle, without 1513  
being transported as described in those divisions, as long as no 1514  
ammunition is in a firearm, other than a handgun, in the vehicle 1515  
other than as permitted under any other provision of this 1516  
chapter. A person who is carrying a valid concealed handgun 1517  
license may have one or more magazines or speed loaders 1518  
containing ammunition anywhere in a vehicle without further 1519  
restriction, as long as no ammunition is in a firearm, other 1520  
than a handgun, in the vehicle other than as permitted under any 1521  
provision of this chapter. 1522

**Sec. 2953.37.** (A) As used in this section: 1523

(1) "Expunge" means to destroy, delete, and erase a record 1524  
as appropriate for the record's physical or electronic form or 1525  
characteristic so that the record is permanently irretrievable. 1526

(2) "Official records" has the same meaning as in section 1527  
2953.51 of the Revised Code. 1528

(3) "Prosecutor" has the same meaning as in section 1529

2953.31 of the Revised Code. 1530

(4) "Record of conviction" means the record related to a 1531  
conviction of or plea of guilty to an offense. 1532

(B) Any person who is convicted of, was convicted of, 1533  
pleads guilty to, or has pleaded guilty to a violation of 1534  
division (B), (C), or (E) of section 2923.16 of the Revised Code 1535  
as the division existed prior to September 30, 2011, and who is 1536  
authorized by division (H) (2) (a) of that section to file an 1537  
application under this section for the expungement of the 1538  
conviction record may apply to the sentencing court for the 1539  
expungement of the record of conviction. The person may file the 1540  
application at any time on or after September 30, 2011. The 1541  
application shall do all of the following: 1542

(1) Identify the applicant, the offense for which the 1543  
expungement is sought, the date of the conviction of or plea of 1544  
guilty to that offense, and the court in which the conviction 1545  
occurred or the plea of guilty was entered; 1546

(2) Include evidence that the offense was a violation of 1547  
division (B), (C), or (E) of section 2923.16 of the Revised Code 1548  
as the division existed prior to September 30, 2011, and that 1549  
the applicant is authorized by division (H) (2) (a) of that 1550  
section to file an application under this section; 1551

(3) Include a request for expungement of the record of 1552  
conviction of that offense under this section. 1553

(C) Upon the filing of an application under division (B) 1554  
of this section and the payment of the fee described in division 1555  
(D) (3) of this section if applicable, the court shall set a date 1556  
for a hearing and shall notify the prosecutor for the case of 1557  
the hearing on the application. The prosecutor may object to the 1558

granting of the application by filing an objection with the 1559  
court prior to the date set for the hearing. The prosecutor 1560  
shall specify in the objection the reasons for believing a 1561  
denial of the application is justified. The court shall direct 1562  
its regular probation officer, a state probation officer, or the 1563  
department of probation of the county in which the applicant 1564  
resides to make inquiries and written reports as the court 1565  
requires concerning the applicant. The court shall hold the 1566  
hearing scheduled under this division. 1567

(D) (1) At the hearing held under division (C) of this 1568  
section, the court shall do each of the following: 1569

(a) Determine whether the applicant has been convicted of 1570  
or pleaded guilty to a violation of division (E) of section 1571  
2923.16 of the Revised Code as the division existed prior to 1572  
September 30, 2011, and whether the conduct that was the basis 1573  
of the violation no longer would be a violation of that division 1574  
on or after September 30, 2011; 1575

(b) Determine whether the applicant has been convicted of 1576  
or pleaded guilty to a violation of division (B) or (C) of 1577  
section 2923.16 of the Revised Code as the division existed 1578  
prior to September 30, 2011, and whether the conduct that was 1579  
the basis of the violation no longer would be a violation of 1580  
that division on or after September 30, 2011, due to the 1581  
application of division (F) (5) of that section as it exists on 1582  
and after September 30, 2011; 1583

(c) If the prosecutor has filed an objection in accordance 1584  
with division (C) of this section, consider the reasons against 1585  
granting the application specified by the prosecutor in the 1586  
objection; 1587

(d) Weigh the interests of the applicant in having the 1588  
records pertaining to the applicant's conviction or guilty plea 1589  
expunged against the legitimate needs, if any, of the government 1590  
to maintain those records. 1591

(2) (a) The court may order the expungement of all official 1592  
records pertaining to the case and the deletion of all index 1593  
references to the case and, if it does order the expungement, 1594  
shall send notice of the order to each public office or agency 1595  
that the court has reason to believe may have an official record 1596  
pertaining to the case if the court, after complying with 1597  
division (D) (1) of this section, determines both of the 1598  
following: 1599

(i) That the applicant has been convicted of or pleaded 1600  
guilty to a violation of division (E) of section 2923.16 of the 1601  
Revised Code as it existed prior to September 30, 2011, and the 1602  
conduct that was the basis of the violation no longer would be a 1603  
violation of that division on or after September 30, 2011, or 1604  
that the applicant has been convicted of or pleaded guilty to a 1605  
violation of division (B) or (C) of section 2923.16 of the 1606  
Revised Code as the division existed prior to September 30, 1607  
2011, and the conduct that was the basis of the violation no 1608  
longer would be a violation of that division on or after 1609  
September 30, 2011, due to the application of division (F) (5) of 1610  
that section as it exists on and after September 30, 2011; 1611

(ii) That the interests of the applicant in having the 1612  
records pertaining to the applicant's conviction or guilty plea 1613  
expunged are not outweighed by any legitimate needs of the 1614  
government to maintain those records. 1615

(b) The proceedings in the case that is the subject of an 1616  
order issued under division (D) (2) (a) of this section shall be 1617

considered not to have occurred and the conviction or guilty 1618  
plea of the person who is the subject of the proceedings shall 1619  
be expunged. The record of the conviction shall not be used for 1620  
any purpose, including, but not limited to, a criminal records 1621  
check under section 109.572 of the Revised Code or a 1622  
determination under section 2923.125 or ~~2923.1212~~ 2923.1213 of 1623  
the Revised Code of eligibility for a concealed handgun license. 1624  
The applicant may, and the court shall, reply that no record 1625  
exists with respect to the applicant upon any inquiry into the 1626  
matter. 1627

(3) Upon the filing of an application under this section, 1628  
the applicant, unless indigent, shall pay a fee of fifty 1629  
dollars. The court shall pay thirty dollars of the fee into the 1630  
state treasury and shall pay twenty dollars of the fee into the 1631  
county general revenue fund. 1632

**Section 2.** That existing sections 307.932, 2307.601, 1633  
2901.05, 2901.09, 2923.12, 2923.126, 2923.16, and 2953.37 and 1634  
section 2923.1212 of the Revised Code are hereby repealed. 1635