

As Introduced

133rd General Assembly

Regular Session

2019-2020

S. B. No. 175

Senator Schaffer

Cosponsor: Senator Eklund

A BILL

To amend section 2923.126 of the Revised Code to
grant civil immunity to nonprofit corporations
and persons associated with them for certain
injuries, deaths, or losses resulting from the
carrying of handguns.

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

Section 1. That section 2923.126 of the Revised Code be
amended to read as follows:

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

concealed handgun. The licensee shall give notice of any change 19
in the licensee's residence address to the sheriff who issued 20
the license within forty-five days after that change. 21

If a licensee is the driver or an occupant of a motor 22
vehicle that is stopped as the result of a traffic stop or a 23
stop for another law enforcement purpose and if the licensee is 24
transporting or has a loaded handgun in the motor vehicle at 25
that time, the licensee shall promptly inform any law 26
enforcement officer who approaches the vehicle while stopped 27
that the licensee has been issued a concealed handgun license 28
and that the licensee currently possesses or has a loaded 29
handgun; the licensee shall not knowingly disregard or fail to 30
comply with lawful orders of a law enforcement officer given 31
while the motor vehicle is stopped, knowingly fail to remain in 32
the motor vehicle while stopped, or knowingly fail to keep the 33
licensee's hands in plain sight after any law enforcement 34
officer begins approaching the licensee while stopped and before 35
the officer leaves, unless directed otherwise by a law 36
enforcement officer; and the licensee shall not knowingly have 37
contact with the loaded handgun by touching it with the 38
licensee's hands or fingers, in any manner in violation of 39
division (E) of section 2923.16 of the Revised Code, after any 40
law enforcement officer begins approaching the licensee while 41
stopped and before the officer leaves. Additionally, if a 42
licensee is the driver or an occupant of a commercial motor 43
vehicle that is stopped by an employee of the motor carrier 44
enforcement unit for the purposes defined in section 5503.34 of 45
the Revised Code and the licensee is transporting or has a 46
loaded handgun in the commercial motor vehicle at that time, the 47
licensee shall promptly inform the employee of the unit who 48
approaches the vehicle while stopped that the licensee has been 49

issued a concealed handgun license and that the licensee 50
currently possesses or has a loaded handgun. 51

If a licensee is stopped for a law enforcement purpose and 52
if the licensee is carrying a concealed handgun at the time the 53
officer approaches, the licensee shall promptly inform any law 54
enforcement officer who approaches the licensee while stopped 55
that the licensee has been issued a concealed handgun license 56
and that the licensee currently is carrying a concealed handgun; 57
the licensee shall not knowingly disregard or fail to comply 58
with lawful orders of a law enforcement officer given while the 59
licensee is stopped, or knowingly fail to keep the licensee's 60
hands in plain sight after any law enforcement officer begins 61
approaching the licensee while stopped and before the officer 62
leaves, unless directed otherwise by a law enforcement officer; 63
and the licensee shall not knowingly remove, attempt to remove, 64
grasp, or hold the loaded handgun or knowingly have contact with 65
the loaded handgun by touching it with the licensee's hands or 66
fingers, in any manner in violation of division (B) of section 67
2923.12 of the Revised Code, after any law enforcement officer 68
begins approaching the licensee while stopped and before the 69
officer leaves. 70

(B) A valid concealed handgun license does not authorize 71
the licensee to carry a concealed handgun in any manner 72
prohibited under division (B) of section 2923.12 of the Revised 73
Code or in any manner prohibited under section 2923.16 of the 74
Revised Code. A valid license does not authorize the licensee to 75
carry a concealed handgun into any of the following places: 76

(1) A police station, sheriff's office, or state highway 77
patrol station, premises controlled by the bureau of criminal 78
identification and investigation; a state correctional 79

institution, jail, workhouse, or other detention facility; any 80
area of an airport passenger terminal that is beyond a passenger 81
or property screening checkpoint or to which access is 82
restricted through security measures by the airport authority or 83
a public agency; or an institution that is maintained, operated, 84
managed, and governed pursuant to division (A) of section 85
5119.14 of the Revised Code or division (A) (1) of section 86
5123.03 of the Revised Code; 87

(2) A school safety zone if the licensee's carrying the 88
concealed handgun is in violation of section 2923.122 of the 89
Revised Code; 90

(3) A courthouse or another building or structure in which 91
a courtroom is located if the licensee's carrying the concealed 92
handgun is in violation of section 2923.123 of the Revised Code; 93

(4) Any premises or open air arena for which a D permit 94
has been issued under Chapter 4303. of the Revised Code if the 95
licensee's carrying the concealed handgun is in violation of 96
section 2923.121 of the Revised Code; 97

(5) Any premises owned or leased by any public or private 98
college, university, or other institution of higher education, 99
unless the handgun is in a locked motor vehicle or the licensee 100
is in the immediate process of placing the handgun in a locked 101
motor vehicle or unless the licensee is carrying the concealed 102
handgun pursuant to a written policy, rule, or other 103
authorization that is adopted by the institution's board of 104
trustees or other governing body and that authorizes specific 105
individuals or classes of individuals to carry a concealed 106
handgun on the premises; 107

(6) Any church, synagogue, mosque, or other place of 108

worship, unless the church, synagogue, mosque, or other place of 109
worship posts or permits otherwise; 110

(7) Any building that is a government facility of this 111
state or a political subdivision of this state and that is not a 112
building that is used primarily as a shelter, restroom, parking 113
facility for motor vehicles, or rest facility and is not a 114
courthouse or other building or structure in which a courtroom 115
is located that is subject to division (B) (3) of this section, 116
unless the governing body with authority over the building has 117
enacted a statute, ordinance, or policy that permits a licensee 118
to carry a concealed handgun into the building; 119

(8) A place in which federal law prohibits the carrying of 120
handguns. 121

(C) (1) Nothing in this section shall negate or restrict a 122
rule, policy, or practice of a private employer that is not a 123
private college, university, or other institution of higher 124
education concerning or prohibiting the presence of firearms on 125
the private employer's premises or property, including motor 126
vehicles owned by the private employer. Nothing in this section 127
shall require a private employer of that nature to adopt a rule, 128
policy, or practice concerning or prohibiting the presence of 129
firearms on the private employer's premises or property, 130
including motor vehicles owned by the private employer. 131

(2) (a) A private employer shall be immune from liability 132
in a civil action for any injury, death, or loss to person or 133
property that allegedly was caused by or related to a licensee 134
bringing a handgun onto the premises or property of the private 135
employer, including motor vehicles owned by the private 136
employer, unless the private employer acted with malicious 137
purpose. A private employer is immune from liability in a civil 138

action for any injury, death, or loss to person or property that 139
allegedly was caused by or related to the private employer's 140
decision to permit a licensee to bring, or prohibit a licensee 141
from bringing, a handgun onto the premises or property of the 142
private employer. 143

(b) A political subdivision shall be immune from liability 144
in a civil action, to the extent and in the manner provided in 145
Chapter 2744. of the Revised Code, for any injury, death, or 146
loss to person or property that allegedly was caused by or 147
related to a licensee bringing a handgun onto any premises or 148
property owned, leased, or otherwise under the control of the 149
political subdivision. As used in this division, "political 150
subdivision" has the same meaning as in section 2744.01 of the 151
Revised Code. 152

(c) An institution of higher education shall be immune 153
from liability in a civil action for any injury, death, or loss 154
to person or property that allegedly was caused by or related to 155
a licensee bringing a handgun onto the premises of the 156
institution, including motor vehicles owned by the institution, 157
unless the institution acted with malicious purpose. An 158
institution of higher education is immune from liability in a 159
civil action for any injury, death, or loss to person or 160
property that allegedly was caused by or related to the 161
institution's decision to permit a licensee or class of 162
licensees to bring a handgun onto the premises of the 163
institution. 164

(d) A nonprofit corporation and its volunteers, members, 165
officers, and independent contractors are immune from liability 166
in a civil action for any injury, death, or loss to person or 167
property that allegedly was caused by or related to a licensee 168

bringing a handgun onto the premises of the nonprofit 169
corporation, including any motor vehicle owned by the nonprofit 170
corporation, or to any event organized by the nonprofit 171
corporation, unless the nonprofit corporation, volunteer, 172
member, officer, or contractor acted with malicious purpose. A 173
nonprofit corporation and its volunteers, members, officers, and 174
independent contractors are immune from liability in a civil 175
action for any injury, death, or loss to person or property that 176
allegedly was caused by or related to the nonprofit 177
corporation's decision to permit a licensee or class of 178
licensees to bring a handgun onto the premises of the nonprofit 179
corporation or to any event organized by the nonprofit 180
corporation. 181

(3) (a) Except as provided in division (C) (3) (b) of this 182
section and section 2923.1214 of the Revised Code, the owner or 183
person in control of private land or premises, and a private 184
person or entity leasing land or premises owned by the state, 185
the United States, or a political subdivision of the state or 186
the United States, may post a sign in a conspicuous location on 187
that land or on those premises prohibiting persons from carrying 188
firearms or concealed firearms on or onto that land or those 189
premises. Except as otherwise provided in this division, a 190
person who knowingly violates a posted prohibition of that 191
nature is guilty of criminal trespass in violation of division 192
(A) (4) of section 2911.21 of the Revised Code and is guilty of a 193
misdemeanor of the fourth degree. If a person knowingly violates 194
a posted prohibition of that nature and the posted land or 195
premises primarily was a parking lot or other parking facility, 196
the person is not guilty of criminal trespass under section 197
2911.21 of the Revised Code or under any other criminal law of 198
this state or criminal law, ordinance, or resolution of a 199

political subdivision of this state, and instead is subject only 200
to a civil cause of action for trespass based on the violation. 201

If a person knowingly violates a posted prohibition of the 202
nature described in this division and the posted land or 203
premises is a child day-care center, type A family day-care 204
home, or type B family day-care home, unless the person is a 205
licensee who resides in a type A family day-care home or type B 206
family day-care home, the person is guilty of aggravated 207
trespass in violation of section 2911.211 of the Revised Code. 208
Except as otherwise provided in this division, the offender is 209
guilty of a misdemeanor of the first degree. If the person 210
previously has been convicted of a violation of this division or 211
of any offense of violence, if the weapon involved is a firearm 212
that is either loaded or for which the offender has ammunition 213
ready at hand, or if the weapon involved is dangerous ordnance, 214
the offender is guilty of a felony of the fourth degree. 215

(b) A landlord may not prohibit or restrict a tenant who 216
is a licensee and who on or after September 9, 2008, enters into 217
a rental agreement with the landlord for the use of residential 218
premises, and the tenant's guest while the tenant is present, 219
from lawfully carrying or possessing a handgun on those 220
residential premises. 221

(c) As used in division (C) (3) of this section: 222

(i) "Residential premises" has the same meaning as in 223
section 5321.01 of the Revised Code, except "residential 224
premises" does not include a dwelling unit that is owned or 225
operated by a college or university. 226

(ii) "Landlord," "tenant," and "rental agreement" have the 227
same meanings as in section 5321.01 of the Revised Code. 228

(D) A person who holds a valid concealed handgun license 229
issued by another state that is recognized by the attorney 230
general pursuant to a reciprocity agreement entered into 231
pursuant to section 109.69 of the Revised Code or a person who 232
holds a valid concealed handgun license under the circumstances 233
described in division (B) of section 109.69 of the Revised Code 234
has the same right to carry a concealed handgun in this state as 235
a person who was issued a concealed handgun license under 236
section 2923.125 of the Revised Code and is subject to the same 237
restrictions that apply to a person who carries a license issued 238
under that section. 239

(E) (1) A peace officer has the same right to carry a 240
concealed handgun in this state as a person who was issued a 241
concealed handgun license under section 2923.125 of the Revised 242
Code, provided that the officer when carrying a concealed 243
handgun under authority of this division is carrying validating 244
identification. For purposes of reciprocity with other states, a 245
peace officer shall be considered to be a licensee in this 246
state. 247

(2) An active duty member of the armed forces of the 248
United States who is carrying a valid military identification 249
card and documentation of successful completion of firearms 250
training that meets or exceeds the training requirements 251
described in division (G) (1) of section 2923.125 of the Revised 252
Code has the same right to carry a concealed handgun in this 253
state as a person who was issued a concealed handgun license 254
under section 2923.125 of the Revised Code and is subject to the 255
same restrictions as specified in this section. 256

(3) A tactical medical professional who is qualified to 257
carry firearms while on duty under section 109.771 of the 258

Revised Code has the same right to carry a concealed handgun in 259
this state as a person who was issued a concealed handgun 260
license under section 2923.125 of the Revised Code. 261

(F) (1) A qualified retired peace officer who possesses a 262
retired peace officer identification card issued pursuant to 263
division (F) (2) of this section and a valid firearms 264
requalification certification issued pursuant to division (F) (3) 265
of this section has the same right to carry a concealed handgun 266
in this state as a person who was issued a concealed handgun 267
license under section 2923.125 of the Revised Code and is 268
subject to the same restrictions that apply to a person who 269
carries a license issued under that section. For purposes of 270
reciprocity with other states, a qualified retired peace officer 271
who possesses a retired peace officer identification card issued 272
pursuant to division (F) (2) of this section and a valid firearms 273
requalification certification issued pursuant to division (F) (3) 274
of this section shall be considered to be a licensee in this 275
state. 276

(2) (a) Each public agency of this state or of a political 277
subdivision of this state that is served by one or more peace 278
officers shall issue a retired peace officer identification card 279
to any person who retired from service as a peace officer with 280
that agency, if the issuance is in accordance with the agency's 281
policies and procedures and if the person, with respect to the 282
person's service with that agency, satisfies all of the 283
following: 284

(i) The person retired in good standing from service as a 285
peace officer with the public agency, and the retirement was not 286
for reasons of mental instability. 287

(ii) Before retiring from service as a peace officer with 288

that agency, the person was authorized to engage in or supervise 289
the prevention, detection, investigation, or prosecution of, or 290
the incarceration of any person for, any violation of law and 291
the person had statutory powers of arrest. 292

(iii) At the time of the person's retirement as a peace 293
officer with that agency, the person was trained and qualified 294
to carry firearms in the performance of the peace officer's 295
duties. 296

(iv) Before retiring from service as a peace officer with 297
that agency, the person was regularly employed as a peace 298
officer for an aggregate of fifteen years or more, or, in the 299
alternative, the person retired from service as a peace officer 300
with that agency, after completing any applicable probationary 301
period of that service, due to a service-connected disability, 302
as determined by the agency. 303

(b) A retired peace officer identification card issued to 304
a person under division (F)(2)(a) of this section shall identify 305
the person by name, contain a photograph of the person, identify 306
the public agency of this state or of the political subdivision 307
of this state from which the person retired as a peace officer 308
and that is issuing the identification card, and specify that 309
the person retired in good standing from service as a peace 310
officer with the issuing public agency and satisfies the 311
criteria set forth in divisions (F)(2)(a)(i) to (iv) of this 312
section. In addition to the required content specified in this 313
division, a retired peace officer identification card issued to 314
a person under division (F)(2)(a) of this section may include 315
the firearms requalification certification described in division 316
(F)(3) of this section, and if the identification card includes 317
that certification, the identification card shall serve as the 318

firearms requalification certification for the retired peace 319
officer. If the issuing public agency issues credentials to 320
active law enforcement officers who serve the agency, the agency 321
may comply with division (F) (2) (a) of this section by issuing 322
the same credentials to persons who retired from service as a 323
peace officer with the agency and who satisfy the criteria set 324
forth in divisions (F) (2) (a) (i) to (iv) of this section, 325
provided that the credentials so issued to retired peace 326
officers are stamped with the word "RETIRED." 327

(c) A public agency of this state or of a political 328
subdivision of this state may charge persons who retired from 329
service as a peace officer with the agency a reasonable fee for 330
issuing to the person a retired peace officer identification 331
card pursuant to division (F) (2) (a) of this section. 332

(3) If a person retired from service as a peace officer 333
with a public agency of this state or of a political subdivision 334
of this state and the person satisfies the criteria set forth in 335
divisions (F) (2) (a) (i) to (iv) of this section, the public 336
agency may provide the retired peace officer with the 337
opportunity to attend a firearms requalification program that is 338
approved for purposes of firearms requalification required under 339
section 109.801 of the Revised Code. The retired peace officer 340
may be required to pay the cost of the course. 341

If a retired peace officer who satisfies the criteria set 342
forth in divisions (F) (2) (a) (i) to (iv) of this section attends 343
a firearms requalification program that is approved for purposes 344
of firearms requalification required under section 109.801 of 345
the Revised Code, the retired peace officer's successful 346
completion of the firearms requalification program requalifies 347
the retired peace officer for purposes of division (F) of this 348

section for five years from the date on which the program was 349
successfully completed, and the requalification is valid during 350
that five-year period. If a retired peace officer who satisfies 351
the criteria set forth in divisions (F) (2) (a) (i) to (iv) of this 352
section satisfactorily completes such a firearms requalification 353
program, the retired peace officer shall be issued a firearms 354
requalification certification that identifies the retired peace 355
officer by name, identifies the entity that taught the program, 356
specifies that the retired peace officer successfully completed 357
the program, specifies the date on which the course was 358
successfully completed, and specifies that the requalification 359
is valid for five years from that date of successful completion. 360
The firearms requalification certification for a retired peace 361
officer may be included in the retired peace officer 362
identification card issued to the retired peace officer under 363
division (F) (2) of this section. 364

A retired peace officer who attends a firearms 365
requalification program that is approved for purposes of 366
firearms requalification required under section 109.801 of the 367
Revised Code may be required to pay the cost of the program. 368

(G) As used in this section: 369

(1) "Qualified retired peace officer" means a person who 370
satisfies all of the following: 371

(a) The person satisfies the criteria set forth in 372
divisions (F) (2) (a) (i) to (v) of this section. 373

(b) The person is not under the influence of alcohol or 374
another intoxicating or hallucinatory drug or substance. 375

(c) The person is not prohibited by federal law from 376
receiving firearms. 377

(2) "Retired peace officer identification card" means an 378
identification card that is issued pursuant to division (F) (2) 379
of this section to a person who is a retired peace officer. 380

(3) "Government facility of this state or a political 381
subdivision of this state" means any of the following: 382

(a) A building or part of a building that is owned or 383
leased by the government of this state or a political 384
subdivision of this state and where employees of the government 385
of this state or the political subdivision regularly are present 386
for the purpose of performing their official duties as employees 387
of the state or political subdivision; 388

(b) The office of a deputy registrar serving pursuant to 389
Chapter 4503. of the Revised Code that is used to perform deputy 390
registrar functions. 391

(4) "Governing body" has the same meaning as in section 392
154.01 of the Revised Code. 393

(5) "Tactical medical professional" has the same meaning 394
as in section 109.71 of the Revised Code. 395

(6) "Validating identification" means photographic 396
identification issued by the agency for which an individual 397
serves as a peace officer that identifies the individual as a 398
peace officer of the agency. 399

(7) "Nonprofit corporation" means any private organization 400
that is exempt from federal income taxation pursuant to 401
subsection 501(a) and described in subsection 501(c) of the 402
Internal Revenue Code. 403

Section 2. That existing section 2923.126 of the Revised 404
Code is hereby repealed. 405

Section 3. Section 2923.126 of the Revised Code is 406
presented in this act as a composite of the section as amended 407
by both Am. Sub. H.B. 79 and Am. Sub. H.B. 228 of the 132nd 408
General Assembly. The General Assembly, applying the principle 409
stated in division (B) of section 1.52 of the Revised Code that 410
amendments are to be harmonized if reasonably capable of 411
simultaneous operation, finds that the composite is the 412
resulting version of the section in effect prior to the 413
effective date of the section as presented in this act. 414