

As Introduced

132nd General Assembly

Regular Session

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S. B. No. 208

Senator Terhar

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

A BILL

To amend sections 2923.121 and 2923.126 and to 1
enact section 2923.1214 of the Revised Code to 2
allow a law enforcement officer or investigator, 3
whether on or off duty, to carry a weapon on 4
certain premises open to the public. 5

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

Section 1. That sections 2923.121 and 2923.126 be amended 6
and section 2923.1214 of the Revised Code be enacted to read as 7
follows: 8

Sec. 2923.121. (A) No person shall possess a firearm in 9
any room in which any person is consuming beer or intoxicating 10
liquor in a premises for which a D permit has been issued under 11
Chapter 4303. of the Revised Code or in an open air arena for 12
which a permit of that nature has been issued. 13

(B) (1) This section does not apply to any of the 14
following: 15

(a) An officer, agent, or employee of this or any other 16
state or the United States, ~~or to a law enforcement officer,~~ who 17

is authorized to carry firearms and is acting within the scope 18
of the officer's, agent's, or employee's duties; 19

(b) A law enforcement officer or investigator, who is 20
authorized to carry firearms, as long as the officer or 21
investigator is not consuming beer or intoxicating liquor or 22
under the influence of alcohol or a drug of abuse; 23

(c) Any person who is employed in this state, who is 24
authorized to carry firearms, and who is subject to and in 25
compliance with the requirements of section 109.801 of the 26
Revised Code, unless the appointing authority of the person has 27
expressly specified that the exemption provided in division (B) 28
(1) (b) of this section does not apply to the person; 29

~~(e)~~ (d) Any room used for the accommodation of guests of a 30
hotel, as defined in section 4301.01 of the Revised Code; 31

~~(d)~~ (e) The principal holder of a D permit issued for a 32
premises or an open air arena under Chapter 4303. of the Revised 33
Code while in the premises or open air arena for which the 34
permit was issued if the principal holder of the D permit also 35
possesses a valid concealed handgun license and as long as the 36
principal holder is not consuming beer or intoxicating liquor or 37
under the influence of alcohol or a drug of abuse, or any agent 38
or employee of that holder who also is a peace officer, as 39
defined in section 2151.3515 of the Revised Code, who is off 40
duty, and who otherwise is authorized to carry firearms while in 41
the course of the officer's official duties and while in the 42
premises or open air arena for which the permit was issued and 43
as long as the agent or employee of that holder is not consuming 44
beer or intoxicating liquor or under the influence of alcohol or 45
a drug of abuse. 46

~~(e)~~-(f) Any person who is carrying a valid concealed 47
handgun license or any person who is an active duty member of 48
the armed forces of the United States and is carrying a valid 49
military identification card and documentation of successful 50
completion of firearms training that meets or exceeds the 51
training requirements described in division (G)(1) of section 52
2923.125 of the Revised Code, as long as the person is not 53
consuming beer or intoxicating liquor or under the influence of 54
alcohol or a drug of abuse. 55

(2) This section does not prohibit any person who is a 56
member of a veteran's organization, as defined in section 57
2915.01 of the Revised Code, from possessing a rifle in any room 58
in any premises owned, leased, or otherwise under the control of 59
the veteran's organization, if the rifle is not loaded with live 60
ammunition and if the person otherwise is not prohibited by law 61
from having the rifle. 62

(3) This section does not apply to any person possessing 63
or displaying firearms in any room used to exhibit unloaded 64
firearms for sale or trade in a soldiers' memorial established 65
pursuant to Chapter 345. of the Revised Code, in a convention 66
center, or in any other public meeting place, if the person is 67
an exhibitor, trader, purchaser, or seller of firearms and is 68
not otherwise prohibited by law from possessing, trading, 69
purchasing, or selling the firearms. 70

(C) It is an affirmative defense to a charge under this 71
section of illegal possession of a firearm in a liquor permit 72
premises that involves the possession of a firearm other than a 73
handgun, that the actor was not otherwise prohibited by law from 74
having the firearm, and that any of the following apply: 75

(1) The firearm was carried or kept ready at hand by the 76

actor for defensive purposes, while the actor was engaged in or 77
was going to or from the actor's lawful business or occupation, 78
which business or occupation was of such character or was 79
necessarily carried on in such manner or at such a time or place 80
as to render the actor particularly susceptible to criminal 81
attack, such as would justify a prudent person in going armed. 82

(2) The firearm was carried or kept ready at hand by the 83
actor for defensive purposes, while the actor was engaged in a 84
lawful activity, and had reasonable cause to fear a criminal 85
attack upon the actor or a member of the actor's family, or upon 86
the actor's home, such as would justify a prudent person in 87
going armed. 88

(D) No person who is charged with a violation of this 89
section shall be required to obtain a concealed handgun license 90
as a condition for the dismissal of the charge. 91

(E) Whoever violates this section is guilty of illegal 92
possession of a firearm in a liquor permit premises. Except as 93
otherwise provided in this division, illegal possession of a 94
firearm in a liquor permit premises is a felony of the fifth 95
degree. If the offender commits the violation of this section by 96
knowingly carrying or having the firearm concealed on the 97
offender's person or concealed ready at hand, illegal possession 98
of a firearm in a liquor permit premises is a felony of the 99
third degree. 100

(F) As used in this section, ~~"beer"~~: 101

(1) "Beer" and "intoxicating liquor" have the same 102
meanings as in section 4301.01 of the Revised Code. 103

(2) "Investigator" has the same meaning as in section 104
109.541 of the Revised Code. 105

Sec. 2923.126. (A) A concealed handgun license that is 106
issued under section 2923.125 of the Revised Code shall expire 107
five years after the date of issuance. A licensee who has been 108
issued a license under that section shall be granted a grace 109
period of thirty days after the licensee's license expires 110
during which the licensee's license remains valid. Except as 111
provided in divisions (B) and (C) of this section, a licensee 112
who has been issued a concealed handgun license under section 113
2923.125 or 2923.1213 of the Revised Code may carry a concealed 114
handgun anywhere in this state if the licensee also carries a 115
valid license and valid identification when the licensee is in 116
actual possession of a concealed handgun. The licensee shall 117
give notice of any change in the licensee's residence address to 118
the sheriff who issued the license within forty-five days after 119
that change. 120

If a licensee is the driver or an occupant of a motor 121
vehicle that is stopped as the result of a traffic stop or a 122
stop for another law enforcement purpose and if the licensee is 123
transporting or has a loaded handgun in the motor vehicle at 124
that time, the licensee shall promptly inform any law 125
enforcement officer who approaches the vehicle while stopped 126
that the licensee has been issued a concealed handgun license 127
and that the licensee currently possesses or has a loaded 128
handgun; the licensee shall not knowingly disregard or fail to 129
comply with lawful orders of a law enforcement officer given 130
while the motor vehicle is stopped, knowingly fail to remain in 131
the motor vehicle while stopped, or knowingly fail to keep the 132
licensee's hands in plain sight after any law enforcement 133
officer begins approaching the licensee while stopped and before 134
the officer leaves, unless directed otherwise by a law 135
enforcement officer; and the licensee shall not knowingly have 136

contact with the loaded handgun by touching it with the 137
licensee's hands or fingers, in any manner in violation of 138
division (E) of section 2923.16 of the Revised Code, after any 139
law enforcement officer begins approaching the licensee while 140
stopped and before the officer leaves. Additionally, if a 141
licensee is the driver or an occupant of a commercial motor 142
vehicle that is stopped by an employee of the motor carrier 143
enforcement unit for the purposes defined in section 5503.34 of 144
the Revised Code and if the licensee is transporting or has a 145
loaded handgun in the commercial motor vehicle at that time, the 146
licensee shall promptly inform the employee of the unit who 147
approaches the vehicle while stopped that the licensee has been 148
issued a concealed handgun license and that the licensee 149
currently possesses or has a loaded handgun. 150

If a licensee is stopped for a law enforcement purpose and 151
if the licensee is carrying a concealed handgun at the time the 152
officer approaches, the licensee shall promptly inform any law 153
enforcement officer who approaches the licensee while stopped 154
that the licensee has been issued a concealed handgun license 155
and that the licensee currently is carrying a concealed handgun; 156
the licensee shall not knowingly disregard or fail to comply 157
with lawful orders of a law enforcement officer given while the 158
licensee is stopped or knowingly fail to keep the licensee's 159
hands in plain sight after any law enforcement officer begins 160
approaching the licensee while stopped and before the officer 161
leaves, unless directed otherwise by a law enforcement officer; 162
and the licensee shall not knowingly remove, attempt to remove, 163
grasp, or hold the loaded handgun or knowingly have contact with 164
the loaded handgun by touching it with the licensee's hands or 165
fingers, in any manner in violation of division (B) of section 166
2923.12 of the Revised Code, after any law enforcement officer 167

begins approaching the licensee while stopped and before the 168
officer leaves. 169

(B) A valid concealed handgun license does not authorize 170
the licensee to carry a concealed handgun in any manner 171
prohibited under division (B) of section 2923.12 of the Revised 172
Code or in any manner prohibited under section 2923.16 of the 173
Revised Code. A valid license does not authorize the licensee to 174
carry a concealed handgun into any of the following places: 175

(1) A police station, sheriff's office, or state highway 176
patrol station, premises controlled by the bureau of criminal 177
identification and investigation; a state correctional 178
institution, jail, workhouse, or other detention facility; any 179
area of an airport passenger terminal that is beyond a passenger 180
or property screening checkpoint or to which access is 181
restricted through security measures by the airport authority or 182
a public agency; or an institution that is maintained, operated, 183
managed, and governed pursuant to division (A) of section 184
5119.14 of the Revised Code or division (A) (1) of section 185
5123.03 of the Revised Code; 186

(2) A school safety zone if the licensee's carrying the 187
concealed handgun is in violation of section 2923.122 of the 188
Revised Code; 189

(3) A courthouse or another building or structure in which 190
a courtroom is located, in violation of section 2923.123 of the 191
Revised Code; 192

(4) Any premises or open air arena for which a D permit 193
has been issued under Chapter 4303. of the Revised Code if the 194
licensee's carrying the concealed handgun is in violation of 195
section 2923.121 of the Revised Code; 196

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

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

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

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

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

shall require a private employer of that nature to adopt a rule, 227
policy, or practice concerning or prohibiting the presence of 228
firearms on the private employer's premises or property, 229
including motor vehicles owned by the private employer. 230

(2) (a) A private employer shall be immune from liability 231
in a civil action for any injury, death, or loss to person or 232
property that allegedly was caused by or related to a licensee 233
bringing a handgun onto the premises or property of the private 234
employer, including motor vehicles owned by the private 235
employer, unless the private employer acted with malicious 236
purpose. A private employer is immune from liability in a civil 237
action for any injury, death, or loss to person or property that 238
allegedly was caused by or related to the private employer's 239
decision to permit a licensee to bring, or prohibit a licensee 240
from bringing, a handgun onto the premises or property of the 241
private employer. 242

(b) A political subdivision shall be immune from liability 243
in a civil action, to the extent and in the manner provided in 244
Chapter 2744. of the Revised Code, for any injury, death, or 245
loss to person or property that allegedly was caused by or 246
related to a licensee bringing a handgun onto any premises or 247
property owned, leased, or otherwise under the control of the 248
political subdivision. As used in this division, "political 249
subdivision" has the same meaning as in section 2744.01 of the 250
Revised Code. 251

(c) An institution of higher education shall be immune 252
from liability in a civil action for any injury, death, or loss 253
to person or property that allegedly was caused by or related to 254
a licensee bringing a handgun onto the premises of the 255
institution, including motor vehicles owned by the institution, 256

unless the institution acted with malicious purpose. An 257
institution of higher education is immune from liability in a 258
civil action for any injury, death, or loss to person or 259
property that allegedly was caused by or related to the 260
institution's decision to permit a licensee or class of 261
licensees to bring a handgun onto the premises of the 262
institution. 263

(3) (a) Except as provided in division (C) (3) (b) of this 264
section and section 2923.1214 of the Revised Code, the owner or 265
person in control of private land or premises, and a private 266
person or entity leasing land or premises owned by the state, 267
the United States, or a political subdivision of the state or 268
the United States, may post a sign in a conspicuous location on 269
that land or on those premises prohibiting persons from carrying 270
firearms or concealed firearms on or onto that land or those 271
premises. Except as otherwise provided in this division, a 272
person who knowingly violates a posted prohibition of that 273
nature is guilty of criminal trespass in violation of division 274
(A) (4) of section 2911.21 of the Revised Code and is guilty of a 275
misdemeanor of the fourth degree. If a person knowingly violates 276
a posted prohibition of that nature and the posted land or 277
premises primarily was a parking lot or other parking facility, 278
the person is not guilty of criminal trespass under section 279
2911.21 of the Revised Code or under any other criminal law of 280
this state or criminal law, ordinance, or resolution of a 281
political subdivision of this state, and instead is subject only 282
to a civil cause of action for trespass based on the violation. 283

If a person knowingly violates a posted prohibition of the 284
nature described in this division and the posted land or 285
premises is a child day-care center, type A family day-care 286
home, or type B family day-care home, unless the person is a 287

licensee who resides in a type A family day-care home or type B 288
family day-care home, the person is guilty of aggravated 289
trespass in violation of section 2911.211 of the Revised Code. 290
Except as otherwise provided in this division, the offender is 291
guilty of a misdemeanor of the first degree. If the person 292
previously has been convicted of a violation of this division or 293
of any offense of violence, if the weapon involved is a firearm 294
that is either loaded or for which the offender has ammunition 295
ready at hand, or if the weapon involved is dangerous ordnance, 296
the offender is guilty of a felony of the fourth degree. 297

(b) A landlord may not prohibit or restrict a tenant who 298
is a licensee and who on or after September 9, 2008, enters into 299
a rental agreement with the landlord for the use of residential 300
premises, and the tenant's guest while the tenant is present, 301
from lawfully carrying or possessing a handgun on those 302
residential premises. 303

(c) As used in division (C) (3) of this section: 304

(i) "Residential premises" has the same meaning as in 305
section 5321.01 of the Revised Code, except "residential 306
premises" does not include a dwelling unit that is owned or 307
operated by a college or university. 308

(ii) "Landlord," "tenant," and "rental agreement" have the 309
same meanings as in section 5321.01 of the Revised Code. 310

(D) A person who holds a valid concealed handgun license 311
issued by another state that is recognized by the attorney 312
general pursuant to a reciprocity agreement entered into 313
pursuant to section 109.69 of the Revised Code or a person who 314
holds a valid concealed handgun license under the circumstances 315
described in division (B) of section 109.69 of the Revised Code 316

has the same right to carry a concealed handgun in this state as 317
a person who was issued a concealed handgun license under 318
section 2923.125 of the Revised Code and is subject to the same 319
restrictions that apply to a person who carries a license issued 320
under that section. 321

(E) (1) A peace officer has the same right to carry a 322
concealed handgun in this state as a person who was issued a 323
concealed handgun license under section 2923.125 of the Revised 324
Code. For purposes of reciprocity with other states, a peace 325
officer shall be considered to be a licensee in this state. 326

(2) An active duty member of the armed forces of the 327
United States who is carrying a valid military identification 328
card and documentation of successful completion of firearms 329
training that meets or exceeds the training requirements 330
described in division (G) (1) of section 2923.125 of the Revised 331
Code has the same right to carry a concealed handgun in this 332
state as a person who was issued a concealed handgun license 333
under section 2923.125 of the Revised Code and is subject to the 334
same restrictions as specified in this section. 335

(F) (1) A qualified retired peace officer who possesses a 336
retired peace officer identification card issued pursuant to 337
division (F) (2) of this section and a valid firearms 338
requalification certification issued pursuant to division (F) (3) 339
of this section has the same right to carry a concealed handgun 340
in this state as a person who was issued a concealed handgun 341
license under section 2923.125 of the Revised Code and is 342
subject to the same restrictions that apply to a person who 343
carries a license issued under that section. For purposes of 344
reciprocity with other states, a qualified retired peace officer 345
who possesses a retired peace officer identification card issued 346

pursuant to division (F)(2) of this section and a valid firearms 347
requalification certification issued pursuant to division (F)(3) 348
of this section shall be considered to be a licensee in this 349
state. 350

(2)(a) Each public agency of this state or of a political 351
subdivision of this state that is served by one or more peace 352
officers shall issue a retired peace officer identification card 353
to any person who retired from service as a peace officer with 354
that agency, if the issuance is in accordance with the agency's 355
policies and procedures and if the person, with respect to the 356
person's service with that agency, satisfies all of the 357
following: 358

(i) The person retired in good standing from service as a 359
peace officer with the public agency, and the retirement was not 360
for reasons of mental instability. 361

(ii) Before retiring from service as a peace officer with 362
that agency, the person was authorized to engage in or supervise 363
the prevention, detection, investigation, or prosecution of, or 364
the incarceration of any person for, any violation of law and 365
the person had statutory powers of arrest. 366

(iii) At the time of the person's retirement as a peace 367
officer with that agency, the person was trained and qualified 368
to carry firearms in the performance of the peace officer's 369
duties. 370

(iv) Before retiring from service as a peace officer with 371
that agency, the person was regularly employed as a peace 372
officer for an aggregate of fifteen years or more, or, in the 373
alternative, the person retired from service as a peace officer 374
with that agency, after completing any applicable probationary 375

period of that service, due to a service-connected disability, 376
as determined by the agency. 377

(b) A retired peace officer identification card issued to 378
a person under division (F)(2)(a) of this section shall identify 379
the person by name, contain a photograph of the person, identify 380
the public agency of this state or of the political subdivision 381
of this state from which the person retired as a peace officer 382
and that is issuing the identification card, and specify that 383
the person retired in good standing from service as a peace 384
officer with the issuing public agency and satisfies the 385
criteria set forth in divisions (F)(2)(a)(i) to (iv) of this 386
section. In addition to the required content specified in this 387
division, a retired peace officer identification card issued to 388
a person under division (F)(2)(a) of this section may include 389
the firearms requalification certification described in division 390
(F)(3) of this section, and if the identification card includes 391
that certification, the identification card shall serve as the 392
firearms requalification certification for the retired peace 393
officer. If the issuing public agency issues credentials to 394
active law enforcement officers who serve the agency, the agency 395
may comply with division (F)(2)(a) of this section by issuing 396
the same credentials to persons who retired from service as a 397
peace officer with the agency and who satisfy the criteria set 398
forth in divisions (F)(2)(a)(i) to (iv) of this section, 399
provided that the credentials so issued to retired peace 400
officers are stamped with the word "RETIRED." 401

(c) A public agency of this state or of a political 402
subdivision of this state may charge persons who retired from 403
service as a peace officer with the agency a reasonable fee for 404
issuing to the person a retired peace officer identification 405
card pursuant to division (F)(2)(a) of this section. 406

(3) If a person retired from service as a peace officer 407
with a public agency of this state or of a political subdivision 408
of this state and the person satisfies the criteria set forth in 409
divisions (F) (2) (a) (i) to (iv) of this section, the public 410
agency may provide the retired peace officer with the 411
opportunity to attend a firearms requalification program that is 412
approved for purposes of firearms requalification required under 413
section 109.801 of the Revised Code. The retired peace officer 414
may be required to pay the cost of the course. 415

If a retired peace officer who satisfies the criteria set 416
forth in divisions (F) (2) (a) (i) to (iv) of this section attends 417
a firearms requalification program that is approved for purposes 418
of firearms requalification required under section 109.801 of 419
the Revised Code, the retired peace officer's successful 420
completion of the firearms requalification program requalifies 421
the retired peace officer for purposes of division (F) of this 422
section for five years from the date on which the program was 423
successfully completed, and the requalification is valid during 424
that five-year period. If a retired peace officer who satisfies 425
the criteria set forth in divisions (F) (2) (a) (i) to (iv) of this 426
section satisfactorily completes such a firearms requalification 427
program, the retired peace officer shall be issued a firearms 428
requalification certification that identifies the retired peace 429
officer by name, identifies the entity that taught the program, 430
specifies that the retired peace officer successfully completed 431
the program, specifies the date on which the course was 432
successfully completed, and specifies that the requalification 433
is valid for five years from that date of successful completion. 434
The firearms requalification certification for a retired peace 435
officer may be included in the retired peace officer 436
identification card issued to the retired peace officer under 437

division (F) (2) of this section. 438

A retired peace officer who attends a firearms 439
requalification program that is approved for purposes of 440
firearms requalification required under section 109.801 of the 441
Revised Code may be required to pay the cost of the program. 442

(G) As used in this section: 443

(1) "Qualified retired peace officer" means a person who 444
satisfies all of the following: 445

(a) The person satisfies the criteria set forth in 446
divisions (F) (2) (a) (i) to (v) of this section. 447

(b) The person is not under the influence of alcohol or 448
another intoxicating or hallucinatory drug or substance. 449

(c) The person is not prohibited by federal law from 450
receiving firearms. 451

(2) "Retired peace officer identification card" means an 452
identification card that is issued pursuant to division (F) (2) 453
of this section to a person who is a retired peace officer. 454

(3) "Government facility of this state or a political 455
subdivision of this state" means any of the following: 456

(a) A building or part of a building that is owned or 457
leased by the government of this state or a political 458
subdivision of this state and where employees of the government 459
of this state or the political subdivision regularly are present 460
for the purpose of performing their official duties as employees 461
of the state or political subdivision; 462

(b) The office of a deputy registrar serving pursuant to 463
Chapter 4503. of the Revised Code that is used to perform deputy 464

registrar functions. 465

(4) "Governing body" has the same meaning as in section 466
154.01 of the Revised Code. 467

Sec. 2923.1214. (A) An establishment serving the public 468
may not prohibit or restrict a law enforcement officer from 469
carrying a weapon on the premises that the officer is authorized 470
to carry, regardless of whether the officer is acting within the 471
scope of that officer's duties while carrying the weapon. 472

(B) As used in this section: 473

(1) "Establishment serving the public" means a hotel, a 474
restaurant or other place where food is regularly offered for 475
sale, a retail business or other commercial establishment or 476
office building that is open to the public, a sports venue, or 477
any other place of public accommodation, amusement, or resort 478
that is open to the public. 479

(2) "Hotel" has the same meaning as in section 3731.01 of 480
the Revised Code. 481

(3) "Sports venue" means any arena, stadium, or other 482
facility that is used primarily as a venue for sporting and 483
athletic events for which admission is charged. 484

(4) "Investigator" has the same meaning as in section 485
109.541 of the Revised Code. 486

Section 2. That existing sections 2923.121 and 2923.126 of 487
the Revised Code are hereby repealed. 488