

**As Reported by the Senate Government Oversight and Reform  
Committee**

**133rd General Assembly**

**Regular Session  
2019-2020**

**Sub. H. B. No. 425**

**Representative Wiggam**

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

**Senator Coley**

---

**A BILL**

To amend sections 109.78, 2923.12, 2923.126, 1  
2923.128, and 2923.16 of the Revised Code to 2  
modify the requirement that a concealed handgun 3  
licensee must notify a law enforcement officer 4  
that the licensee is authorized to carry a 5  
concealed handgun and is carrying a concealed 6  
handgun when stopped and to expressly exempt, 7  
from a requirement that peace officer basic 8  
training be obtained, certain employees that a 9  
board of education or governing body of a school 10  
authorizes to go armed in a school safety zone 11  
within which the board or governing body has 12  
authority. 13

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

**Section 1.** That sections 109.78, 2923.12, 2923.126, 14  
2923.128, and 2923.16 of the Revised Code be amended to read as 15  
follows: 16

**Sec. 109.78.** (A) The executive director of the Ohio peace officer training commission, on behalf of the commission and in accordance with rules promulgated by the attorney general, shall certify persons who have satisfactorily completed approved training programs designed to qualify persons for positions as special police, security guards, or persons otherwise privately employed in a police capacity and issue appropriate certificates to such persons. Application for approval of a training program designed to qualify persons for such positions shall be made to the commission. An application for approval shall be submitted to the commission with a fee of one hundred twenty-five dollars, which fee shall be refunded if the application is denied. Such programs shall cover only duties and jurisdiction of such security guards and special police privately employed in a police capacity when such officers do not qualify for training under section 109.71 of the Revised Code. A person attending an approved basic training program administered by the state shall pay to the agency administering the program the cost of the person's participation in the program as determined by the agency. A person attending an approved basic training program administered by a county or municipal corporation shall pay the cost of the person's participation in the program, as determined by the administering subdivision, to the county or the municipal corporation. A person who is issued a certificate for satisfactory completion of an approved basic training program shall pay to the commission a fee of fifteen dollars. A duplicate of a lost, spoliated, or destroyed certificate may be issued upon application and payment of a fee of fifteen dollars. Such certificate or the completion of twenty years of active duty as a peace officer shall satisfy the educational requirements for appointment or commission as a special police officer or special deputy of a political subdivision of this

state. 49

(B) (1) The executive director of the Ohio peace officer 50  
training commission, on behalf of the commission and in 51  
accordance with rules promulgated by the attorney general, shall 52  
certify basic firearms training programs, and shall issue 53  
certificates to class A, B, or C licensees or prospective class 54  
A, B, or C licensees under Chapter 4749. of the Revised Code and 55  
to registered or prospective employees of such class A, B, or C 56  
licensees who have satisfactorily completed a basic firearms 57  
training program of the type described in division (A) (1) of 58  
section 4749.10 of the Revised Code. 59

Application for approval of a basic firearms training 60  
program shall be made to the commission. An application shall be 61  
submitted to the commission with a fee of one hundred dollars, 62  
which fee shall be refunded if the application is denied. 63

A person who is issued a certificate for satisfactory 64  
completion of an approved basic firearms training program shall 65  
pay a fee of ten dollars to the commission. A duplicate of a 66  
lost, spoliated, or destroyed certificate may be issued upon 67  
application and payment of a fee of five dollars. 68

(2) The executive director, on behalf of the commission 69  
and in accordance with rules promulgated by the attorney 70  
general, also shall certify firearms requalification training 71  
programs and instructors for the annual requalification of class 72  
A, B, or C licensees under Chapter 4749. of the Revised Code and 73  
registered or prospective employees of such class A, B, or C 74  
licensees who are authorized to carry a firearm under section 75  
4749.10 of the Revised Code. Application for approval of a 76  
training program or instructor for such purpose shall be made to 77  
the commission. Such an application shall be submitted to the 78

commission with a fee of fifty dollars, which fee shall be 79  
refunded if the application is denied. 80

(3) The executive director, upon request, also shall 81  
review firearms training received within three years prior to 82  
November 23, 1985, by any class A, B, or C licensee or 83  
prospective class A, B, or C licensee, or by any registered or 84  
prospective employee of any class A, B, or C licensee under 85  
Chapter 4749. of the Revised Code to determine if the training 86  
received is equivalent to a basic firearms training program that 87  
includes twenty hours of handgun training and five hours of 88  
training in the use of other firearms, if any other firearm is 89  
to be used. If the executive director determines the training 90  
was received within the three-year period and that it is 91  
equivalent to such a program, the executive director shall issue 92  
written evidence of approval of the equivalency training to the 93  
licensee or employee. 94

(C) There is hereby established in the state treasury the 95  
peace officer private security fund, which shall be used by the 96  
Ohio peace officer training commission to administer the 97  
training program to qualify persons for positions as special 98  
police, security guards, or other private employment in a police 99  
capacity, as described in division (A) of this section, and the 100  
training program in basic firearms and the training program for 101  
firearms requalification, both as described in division (B) of 102  
this section. All fees paid to the commission by applicants for 103  
approval of a training program designed to qualify persons for 104  
such private police positions, basic firearms training program, 105  
or a firearms requalification training program or instructor, as 106  
required by division (A) or (B) of this section, by persons who 107  
satisfactorily complete a private police training program or a 108  
basic firearms training program, as required by division (A) or 109

(B) of this section, or by persons who satisfactorily requalify 110  
in firearms use, as required by division (B) (2) of section 111  
4749.10 of the Revised Code, shall be transmitted to the 112  
treasurer of state for deposit in the fund. The fund shall be 113  
used only for the purpose set forth in this division. 114

~~(D) No (1) Subject to division (D) (2) of this section, no 115  
public or private educational institution or superintendent of 116  
the state highway patrol shall employ a person as a special 117  
police officer, security guard, or ~~other~~ for a similar law 118  
enforcement or security position in which such person goes armed 119  
while on duty, who has not received a certificate of having 120  
satisfactorily completed an approved basic peace officer 121  
training program, unless the person has completed twenty years 122  
of active duty as a peace officer. 123~~

(2) Division (D) (1) of this section does not apply with 124  
respect to the employment of a person by a board of education or 125  
governing body of a school in a position in which the person has 126  
been authorized by a school board to voluntarily go armed within 127  
a school safety zone within which the board or governing body 128  
has authority, if both of the following apply with respect to 129  
the employment and person: 130

(a) The person will be going armed within a school safety 131  
zone within which the board or governing body has authority 132  
pursuant to written authorization from the board of education or 133  
governing body of the school, as described in division (D) (1) (a) 134  
of section 2923.122 of the Revised Code, to convey deadly 135  
weapons into, or to possess a deadly weapon in, a school safety 136  
zone within which the board or governing body has authority. 137

(b) The person is not being employed as a special police 138  
officer or security officer. 139

Sec. 2923.12. (A) No person shall knowingly carry or have, 140  
concealed on the person's person or concealed ready at hand, any 141  
of the following: 142

(1) A deadly weapon other than a handgun; 143

(2) A handgun other than a dangerous ordnance; 144

(3) A dangerous ordnance. 145

(B) No person who has been issued a concealed handgun 146  
license shall do any of the following: 147

(1) If the person is stopped for a law enforcement purpose 148  
and is carrying a concealed handgun, before or at the time a law 149  
enforcement officer requests the person's concealed handgun 150  
license or asks if the person is carrying a concealed handgun, 151  
fail to ~~promptly do both of the following:~~ 152

(a) Display the person's concealed handgun license or 153  
orally inform any the law enforcement officer who approaches the 154  
person after the person has been stopped that the person has 155  
been issued a concealed handgun license ~~and;~~ 156

(b) Disclose that the person then is carrying a concealed 157  
handgun~~;~~. 158

(2) If the person is stopped for a law enforcement purpose 159  
and is carrying a concealed handgun, knowingly fail to keep the 160  
person's hands in plain sight at any time after any law 161  
enforcement officer begins approaching the person while stopped 162  
and before the law enforcement officer leaves, unless the 163  
failure is pursuant to and in accordance with directions given 164  
by a law enforcement officer; 165

(3) If the person is stopped for a law enforcement 166  
purpose, if the person is carrying a concealed handgun, and if 167

the person is approached by any law enforcement officer while 168  
stopped, knowingly remove or attempt to remove the loaded 169  
handgun from the holster, pocket, or other place in which the 170  
person is carrying it, knowingly grasp or hold the loaded 171  
handgun, or knowingly have contact with the loaded handgun by 172  
touching it with the person's hands or fingers at any time after 173  
the law enforcement officer begins approaching and before the 174  
law enforcement officer leaves, unless the person removes, 175  
attempts to remove, grasps, holds, or has contact with the 176  
loaded handgun pursuant to and in accordance with directions 177  
given by the law enforcement officer; 178

(4) If the person is stopped for a law enforcement purpose 179  
and is carrying a concealed handgun, knowingly disregard or fail 180  
to comply with any lawful order of any law enforcement officer 181  
given while the person is stopped, including, but not limited 182  
to, a specific order to the person to keep the person's hands in 183  
plain sight. 184

(C) (1) This section does not apply to any of the 185  
following: 186

(a) An officer, agent, or employee of this or any other 187  
state or the United States, or to a law enforcement officer, who 188  
is authorized to carry concealed weapons or dangerous ordnance 189  
or is authorized to carry handguns and is acting within the 190  
scope of the officer's, agent's, or employee's duties; 191

(b) Any person who is employed in this state, who is 192  
authorized to carry concealed weapons or dangerous ordnance or 193  
is authorized to carry handguns, and who is subject to and in 194  
compliance with the requirements of section 109.801 of the 195  
Revised Code, unless the appointing authority of the person has 196  
expressly specified that the exemption provided in division (C) 197

(1) (b) of this section does not apply to the person;	198
(c) A person's transportation or storage of a firearm, other than a firearm described in divisions (G) to (M) of section 2923.11 of the Revised Code, in a motor vehicle for any lawful purpose if the firearm is not on the actor's person;	199 200 201 202
(d) A person's storage or possession of a firearm, other than a firearm described in divisions (G) to (M) of section 2923.11 of the Revised Code, in the actor's own home for any lawful purpose.	203 204 205 206
(2) Division (A) (2) of this section does not apply to any person who, at the time of the alleged carrying or possession of a handgun, either is carrying a valid concealed handgun license or is an active duty member of the armed forces of the United States and is carrying a valid military identification card and documentation of successful completion of firearms training that meets or exceeds the training requirements described in division (G) (1) of section 2923.125 of the Revised Code, unless the person knowingly is in a place described in division (B) of section 2923.126 of the Revised Code.	207 208 209 210 211 212 213 214 215 216
(D) It is an affirmative defense to a charge under division (A) (1) of this section of carrying or having control of a weapon other than a handgun and other than a dangerous ordnance that the actor was not otherwise prohibited by law from having the weapon and that any of the following applies:	217 218 219 220 221
(1) The weapon was carried or kept ready at hand by the actor for defensive purposes while the actor was engaged in or was going to or from the actor's lawful business or occupation, which business or occupation was of a character or was necessarily carried on in a manner or at a time or place as to	222 223 224 225 226

render the actor particularly susceptible to criminal attack, 227  
such as would justify a prudent person in going armed. 228

(2) The weapon was carried or kept ready at hand by the 229  
actor for defensive purposes while the actor was engaged in a 230  
lawful activity and had reasonable cause to fear a criminal 231  
attack upon the actor, a member of the actor's family, or the 232  
actor's home, such as would justify a prudent person in going 233  
armed. 234

(3) The weapon was carried or kept ready at hand by the 235  
actor for any lawful purpose and while in the actor's own home. 236

(E) No person who is charged with a violation of this 237  
section shall be required to obtain a concealed handgun license 238  
as a condition for the dismissal of the charge. 239

(F) (1) Whoever violates this section is guilty of carrying 240  
concealed weapons. Except as otherwise provided in this division 241  
or divisions (F) (2), (5), and (6), ~~and (7)~~ of this section, 242  
carrying concealed weapons in violation of division (A) of this 243  
section is a misdemeanor of the first degree. Except as 244  
otherwise provided in this division or divisions (F) (2), (5), 245  
and (6), ~~and (7)~~ of this section, if the offender previously has 246  
been convicted of a violation of this section or of any offense 247  
of violence, if the weapon involved is a firearm that is either 248  
loaded or for which the offender has ammunition ready at hand, 249  
or if the weapon involved is dangerous ordnance, carrying 250  
concealed weapons in violation of division (A) of this section 251  
is a felony of the fourth degree. Except as otherwise provided 252  
in divisions (F) (2) and ~~(6)~~ (5) of this section, if the offense 253  
is committed aboard an aircraft, or with purpose to carry a 254  
concealed weapon aboard an aircraft, regardless of the weapon 255  
involved, carrying concealed weapons in violation of division 256

(A) of this section is a felony of the third degree. 257

(2) Except as provided in division ~~(F)(6)~~ (F)(5) of this 258  
section, if a person being arrested for a violation of division 259  
(A)(2) of this section promptly produces a valid concealed 260  
handgun license, and if at the time of the violation the person 261  
was not knowingly in a place described in division (B) of 262  
section 2923.126 of the Revised Code, the officer shall not 263  
arrest the person for a violation of that division. If the 264  
person is not able to promptly produce any concealed handgun 265  
license and if the person is not in a place described in that 266  
section, the officer may arrest the person for a violation of 267  
that division, and the offender shall be punished as follows: 268

(a) The offender shall be guilty of a minor misdemeanor if 269  
both of the following apply: 270

(i) Within ten days after the arrest, the offender 271  
presents a concealed handgun license, which license was valid at 272  
the time of the arrest to the law enforcement agency that 273  
employs the arresting officer. 274

(ii) At the time of the arrest, the offender was not 275  
knowingly in a place described in division (B) of section 276  
2923.126 of the Revised Code. 277

(b) The offender shall be guilty of a misdemeanor and 278  
shall be fined five hundred dollars if all of the following 279  
apply: 280

(i) The offender previously had been issued a concealed 281  
handgun license, and that license expired within the two years 282  
immediately preceding the arrest. 283

(ii) Within forty-five days after the arrest, the offender 284  
presents a concealed handgun license to the law enforcement 285

agency that employed the arresting officer, and the offender 286  
waives in writing the offender's right to a speedy trial on the 287  
charge of the violation that is provided in section 2945.71 of 288  
the Revised Code. 289

(iii) At the time of the commission of the offense, the 290  
offender was not knowingly in a place described in division (B) 291  
of section 2923.126 of the Revised Code. 292

(c) If divisions (F) (2) (a) and (b) and ~~(F) (6)~~ (F) (5) of 293  
this section do not apply, the offender shall be punished under 294  
division (F) (1) or ~~(7)~~ (6) of this section. 295

~~(3) Except as otherwise provided in this division,~~ 296  
~~carrying concealed weapons in violation of division (B) (1) of~~ 297  
~~this section is a misdemeanor of the first degree, and, in~~ 298  
~~addition to any other penalty or sanction imposed for a~~ 299  
~~violation of division (B) (1) of this section, the offender's~~ 300  
~~concealed handgun license shall be suspended pursuant to~~ 301  
~~division (A) (2) of section 2923.128 of the Revised Code. If, at~~ 302  
~~the time of the stop of the offender for a law enforcement~~ 303  
~~purpose that was the basis of the violation, any law enforcement~~ 304  
~~officer involved with the stop had actual knowledge that the~~ 305  
~~offender has been issued a concealed handgun license, carrying~~ 306  
~~concealed weapons in violation of division (B) (1) of this~~ 307  
~~section is a minor misdemeanor, and the offender's concealed~~ 308  
~~handgun license shall not be suspended pursuant to division (A)~~ 309  
~~(2) of section 2923.128 of the Revised Code.~~ 310

~~(4)~~ Carrying concealed weapons in violation of division 311  
(B) (2) or (4) of this section is a misdemeanor of the first 312  
degree or, if the offender previously has been convicted of or 313  
pleaded guilty to a violation of division (B) (2) or (4) of this 314  
section, a felony of the fifth degree. In addition to any other 315

penalty or sanction imposed for a misdemeanor violation of 316  
division (B) (2) or (4) of this section, the offender's concealed 317  
handgun license shall be suspended pursuant to division (A) (2) 318  
of section 2923.128 of the Revised Code. 319

~~(5)~~ (4) Carrying concealed weapons in violation of 320  
division (B) (3) of this section is a felony of the fifth degree. 321

~~(6)~~ (5) If a person being arrested for a violation of 322  
division (A) (2) of this section is an active duty member of the 323  
armed forces of the United States and is carrying a valid 324  
military identification card and documentation of successful 325  
completion of firearms training that meets or exceeds the 326  
training requirements described in division (G) (1) of section 327  
2923.125 of the Revised Code, and if at the time of the 328  
violation the person was not knowingly in a place described in 329  
division (B) of section 2923.126 of the Revised Code, the 330  
officer shall not arrest the person for a violation of that 331  
division. If the person is not able to promptly produce a valid 332  
military identification card and documentation of successful 333  
completion of firearms training that meets or exceeds the 334  
training requirements described in division (G) (1) of section 335  
2923.125 of the Revised Code and if the person is not in a place 336  
described in division (B) of section 2923.126 of the Revised 337  
Code, the officer shall issue a citation and the offender shall 338  
be assessed a civil penalty of not more than five hundred 339  
dollars. The citation shall be automatically dismissed and the 340  
civil penalty shall not be assessed if both of the following 341  
apply: 342

(a) Within ten days after the issuance of the citation, 343  
the offender presents a valid military identification card and 344  
documentation of successful completion of firearms training that 345

meets or exceeds the training requirements described in division 346  
(G) (1) of section 2923.125 of the Revised Code, which were both 347  
valid at the time of the issuance of the citation to the law 348  
enforcement agency that employs the citing officer. 349

(b) At the time of the citation, the offender was not 350  
knowingly in a place described in division (B) of section 351  
2923.126 of the Revised Code. 352

~~(7)~~ (6) If a person being arrested for a violation of 353  
division (A) (2) of this section is knowingly in a place 354  
described in division (B) (5) of section 2923.126 of the Revised 355  
Code and is not authorized to carry a handgun or have a handgun 356  
concealed on the person's person or concealed ready at hand 357  
under that division, the penalty shall be as follows: 358

(a) Except as otherwise provided in this division, if the 359  
person produces a valid concealed handgun license within ten 360  
days after the arrest and has not previously been convicted or 361  
pleaded guilty to a violation of division (A) (2) of this 362  
section, the person is guilty of a minor misdemeanor; 363

(b) Except as otherwise provided in this division, if the 364  
person has previously been convicted of or pleaded guilty to a 365  
violation of division (A) (2) of this section, the person is 366  
guilty of a misdemeanor of the fourth degree; 367

(c) Except as otherwise provided in this division, if the 368  
person has previously been convicted of or pleaded guilty to two 369  
violations of division (A) (2) of this section, the person is 370  
guilty of a misdemeanor of the third degree; 371

(d) Except as otherwise provided in this division, if the 372  
person has previously been convicted of or pleaded guilty to 373  
three or more violations of division (A) (2) of this section, or 374

convicted of or pleaded guilty to any offense of violence, if 375  
the weapon involved is a firearm that is either loaded or for 376  
which the offender has ammunition ready at hand, or if the 377  
weapon involved is a dangerous ordnance, the person is guilty of 378  
a misdemeanor of the second degree. 379

(G) If a law enforcement officer stops a person to 380  
question the person regarding a possible violation of this 381  
section, for a traffic stop, or for any other law enforcement 382  
purpose, if the person surrenders a firearm to the officer, 383  
either voluntarily or pursuant to a request or demand of the 384  
officer, and if the officer does not charge the person with a 385  
violation of this section or arrest the person for any offense, 386  
the person is not otherwise prohibited by law from possessing 387  
the firearm, and the firearm is not contraband, the officer 388  
shall return the firearm to the person at the termination of the 389  
stop. If a court orders a law enforcement officer to return a 390  
firearm to a person pursuant to the requirement set forth in 391  
this division, division (B) of section 2923.163 of the Revised 392  
Code applies. 393

**Sec. 2923.126.** (A) (1) A concealed handgun license that is 394  
issued under section 2923.125 of the Revised Code shall expire 395  
five years after the date of issuance. A licensee who has been 396  
issued a license under that section shall be granted a grace 397  
period of thirty days after the licensee's license expires 398  
during which the licensee's license remains valid. Except as 399  
provided in divisions (B) and (C) of this section, a licensee 400  
who has been issued a concealed handgun license under section 401  
2923.125 or 2923.1213 of the Revised Code may carry a concealed 402  
handgun anywhere in this state if the licensee also carries a 403  
valid license when the licensee is in actual possession of a 404  
concealed handgun. The licensee shall give notice of any change 405

in the licensee's residence address to the sheriff who issued 406  
the license within forty-five days after that change. 407

(2) If a licensee is the driver or an occupant of a motor 408  
vehicle that is stopped as the result of a traffic stop or a 409  
stop for another law enforcement purpose and if the licensee is 410  
transporting or has a loaded handgun in the motor vehicle at 411  
that time, before or at the time a law enforcement officer 412  
requests the licensee's concealed handgun license or asks if the 413  
person is carrying a concealed handgun, the licensee shall 414  
~~promptly display the licensee's concealed handgun license or~~ 415  
~~orally inform any the law enforcement officer who approaches the~~ 416  
~~vehicle while stopped~~ that the licensee has been issued a 417  
concealed handgun license, and disclose that the licensee 418  
currently possesses or has a loaded handgun; the licensee shall 419  
not knowingly disregard or fail to comply with lawful orders of 420  
a law enforcement officer given while the motor vehicle is 421  
stopped, knowingly fail to remain in the motor vehicle while 422  
stopped, or knowingly fail to keep the licensee's hands in plain 423  
sight after any law enforcement officer begins approaching the 424  
licensee while stopped and before the officer leaves, unless 425  
directed otherwise by a law enforcement officer; and the 426  
licensee shall not knowingly have contact with the loaded 427  
handgun by touching it with the licensee's hands or fingers, in 428  
any manner in violation of division (E) of section 2923.16 of 429  
the Revised Code, after any law enforcement officer begins 430  
approaching the licensee while stopped and before the officer 431  
leaves. ~~Additionally, if~~ 432

(3) If a licensee is the driver or an occupant of a 433  
commercial motor vehicle that is stopped by an employee of the 434  
motor carrier enforcement unit for the purposes defined in 435  
section 5503.34 of the Revised Code and the licensee is 436

transporting or has a loaded handgun in the commercial motor 437  
vehicle at that time, before or at the time an employee of the 438  
motor carrier enforcement unit requests the licensee's concealed 439  
handgun license or asks if the person is carrying a concealed 440  
handgun, the licensee shall ~~promptly display the licensee's~~ 441  
concealed handgun license or orally inform the employee of the 442  
unit ~~who approaches the vehicle while stopped~~ that the licensee 443  
has been issued a concealed handgun license and disclose that 444  
the licensee currently possesses or has a loaded handgun. 445

(4) If a licensee is stopped for a law enforcement purpose 446  
and if the licensee is carrying a concealed handgun at the time 447  
the officer approaches, before or at the time a law enforcement 448  
officer requests the licensee's concealed handgun license or 449  
asks if the person is carrying a concealed handgun, the licensee 450  
shall ~~promptly display the licensee's concealed handgun license~~ 451  
or orally inform ~~any the~~ law enforcement officer ~~who approaches~~ 452  
~~the licensee while stopped~~ that the licensee has been issued a 453  
concealed handgun license and disclose that the licensee 454  
currently is carrying a concealed handgun; the licensee shall 455  
not knowingly disregard or fail to comply with lawful orders of 456  
a law enforcement officer given while the licensee is stopped, 457  
or knowingly fail to keep the licensee's hands in plain sight 458  
after any law enforcement officer begins approaching the 459  
licensee while stopped and before the officer leaves, unless 460  
directed otherwise by a law enforcement officer; and the 461  
licensee shall not knowingly remove, attempt to remove, grasp, 462  
or hold the loaded handgun or knowingly have contact with the 463  
loaded handgun by touching it with the licensee's hands or 464  
fingers, in any manner in violation of division (B) of section 465  
2923.12 of the Revised Code, after any law enforcement officer 466  
begins approaching the licensee while stopped and before the 467

officer leaves. 468

(B) A valid concealed handgun license does not authorize 469  
the licensee to carry a concealed handgun in any manner 470  
prohibited under division (B) of section 2923.12 of the Revised 471  
Code or in any manner prohibited under section 2923.16 of the 472  
Revised Code. A valid license does not authorize the licensee to 473  
carry a concealed handgun into any of the following places: 474

(1) A police station, sheriff's office, or state highway 475  
patrol station, premises controlled by the bureau of criminal 476  
identification and investigation; a state correctional 477  
institution, jail, workhouse, or other detention facility; any 478  
area of an airport passenger terminal that is beyond a passenger 479  
or property screening checkpoint or to which access is 480  
restricted through security measures by the airport authority or 481  
a public agency; or an institution that is maintained, operated, 482  
managed, and governed pursuant to division (A) of section 483  
5119.14 of the Revised Code or division (A) (1) of section 484  
5123.03 of the Revised Code; 485

(2) A school safety zone if the licensee's carrying the 486  
concealed handgun is in violation of section 2923.122 of the 487  
Revised Code; 488

(3) A courthouse or another building or structure in which 489  
a courtroom is located if the licensee's carrying the concealed 490  
handgun is in violation of section 2923.123 of the Revised Code; 491

(4) Any premises or open air arena for which a D permit 492  
has been issued under Chapter 4303. of the Revised Code if the 493  
licensee's carrying the concealed handgun is in violation of 494  
section 2923.121 of the Revised Code; 495

(5) Any premises owned or leased by any public or private 496

college, university, or other institution of higher education, 497  
unless the handgun is in a locked motor vehicle or the licensee 498  
is in the immediate process of placing the handgun in a locked 499  
motor vehicle or unless the licensee is carrying the concealed 500  
handgun pursuant to a written policy, rule, or other 501  
authorization that is adopted by the institution's board of 502  
trustees or other governing body and that authorizes specific 503  
individuals or classes of individuals to carry a concealed 504  
handgun on the premises; 505

(6) Any church, synagogue, mosque, or other place of 506  
worship, unless the church, synagogue, mosque, or other place of 507  
worship posts or permits otherwise; 508

(7) Any building that is a government facility of this 509  
state or a political subdivision of this state and that is not a 510  
building that is used primarily as a shelter, restroom, parking 511  
facility for motor vehicles, or rest facility and is not a 512  
courthouse or other building or structure in which a courtroom 513  
is located that is subject to division (B)(3) of this section, 514  
unless the governing body with authority over the building has 515  
enacted a statute, ordinance, or policy that permits a licensee 516  
to carry a concealed handgun into the building; 517

(8) A place in which federal law prohibits the carrying of 518  
handguns. 519

(C) (1) Nothing in this section shall negate or restrict a 520  
rule, policy, or practice of a private employer that is not a 521  
private college, university, or other institution of higher 522  
education concerning or prohibiting the presence of firearms on 523  
the private employer's premises or property, including motor 524  
vehicles owned by the private employer. Nothing in this section 525  
shall require a private employer of that nature to adopt a rule, 526

policy, or practice concerning or prohibiting the presence of 527  
firearms on the private employer's premises or property, 528  
including motor vehicles owned by the private employer. 529

(2) (a) A private employer shall be immune from liability 530  
in a civil action for any injury, death, or loss to person or 531  
property that allegedly was caused by or related to a licensee 532  
bringing a handgun onto the premises or property of the private 533  
employer, including motor vehicles owned by the private 534  
employer, unless the private employer acted with malicious 535  
purpose. A private employer is immune from liability in a civil 536  
action for any injury, death, or loss to person or property that 537  
allegedly was caused by or related to the private employer's 538  
decision to permit a licensee to bring, or prohibit a licensee 539  
from bringing, a handgun onto the premises or property of the 540  
private employer. 541

(b) A political subdivision shall be immune from liability 542  
in a civil action, to the extent and in the manner provided in 543  
Chapter 2744. of the Revised Code, for any injury, death, or 544  
loss to person or property that allegedly was caused by or 545  
related to a licensee bringing a handgun onto any premises or 546  
property owned, leased, or otherwise under the control of the 547  
political subdivision. As used in this division, "political 548  
subdivision" has the same meaning as in section 2744.01 of the 549  
Revised Code. 550

(c) An institution of higher education shall be immune 551  
from liability in a civil action for any injury, death, or loss 552  
to person or property that allegedly was caused by or related to 553  
a licensee bringing a handgun onto the premises of the 554  
institution, including motor vehicles owned by the institution, 555  
unless the institution acted with malicious purpose. An 556

institution of higher education is immune from liability in a 557  
civil action for any injury, death, or loss to person or 558  
property that allegedly was caused by or related to the 559  
institution's decision to permit a licensee or class of 560  
licensees to bring a handgun onto the premises of the 561  
institution. 562

(3) (a) Except as provided in division (C) (3) (b) of this 563  
section and section 2923.1214 of the Revised Code, the owner or 564  
person in control of private land or premises, and a private 565  
person or entity leasing land or premises owned by the state, 566  
the United States, or a political subdivision of the state or 567  
the United States, may post a sign in a conspicuous location on 568  
that land or on those premises prohibiting persons from carrying 569  
firearms or concealed firearms on or onto that land or those 570  
premises. Except as otherwise provided in this division, a 571  
person who knowingly violates a posted prohibition of that 572  
nature is guilty of criminal trespass in violation of division 573  
(A) (4) of section 2911.21 of the Revised Code and is guilty of a 574  
misdemeanor of the fourth degree. If a person knowingly violates 575  
a posted prohibition of that nature and the posted land or 576  
premises primarily was a parking lot or other parking facility, 577  
the person is not guilty of criminal trespass under section 578  
2911.21 of the Revised Code or under any other criminal law of 579  
this state or criminal law, ordinance, or resolution of a 580  
political subdivision of this state, and instead is subject only 581  
to a civil cause of action for trespass based on the violation. 582

If a person knowingly violates a posted prohibition of the 583  
nature described in this division and the posted land or 584  
premises is a child day-care center, type A family day-care 585  
home, or type B family day-care home, unless the person is a 586  
licensee who resides in a type A family day-care home or type B 587

family day-care home, the person is guilty of aggravated 588  
trespass in violation of section 2911.211 of the Revised Code. 589  
Except as otherwise provided in this division, the offender is 590  
guilty of a misdemeanor of the first degree. If the person 591  
previously has been convicted of a violation of this division or 592  
of any offense of violence, if the weapon involved is a firearm 593  
that is either loaded or for which the offender has ammunition 594  
ready at hand, or if the weapon involved is dangerous ordnance, 595  
the offender is guilty of a felony of the fourth degree. 596

(b) A landlord may not prohibit or restrict a tenant who 597  
is a licensee and who on or after September 9, 2008, enters into 598  
a rental agreement with the landlord for the use of residential 599  
premises, and the tenant's guest while the tenant is present, 600  
from lawfully carrying or possessing a handgun on those 601  
residential premises. 602

(c) As used in division (C)(3) of this section: 603

(i) "Residential premises" has the same meaning as in 604  
section 5321.01 of the Revised Code, except "residential 605  
premises" does not include a dwelling unit that is owned or 606  
operated by a college or university. 607

(ii) "Landlord," "tenant," and "rental agreement" have the 608  
same meanings as in section 5321.01 of the Revised Code. 609

(D) A person who holds a valid concealed handgun license 610  
issued by another state that is recognized by the attorney 611  
general pursuant to a reciprocity agreement entered into 612  
pursuant to section 109.69 of the Revised Code or a person who 613  
holds a valid concealed handgun license under the circumstances 614  
described in division (B) of section 109.69 of the Revised Code 615  
has the same right to carry a concealed handgun in this state as 616

a person who was issued a concealed handgun license under 617  
section 2923.125 of the Revised Code and is subject to the same 618  
restrictions that apply to a person who carries a license issued 619  
under that section. 620

(E) (1) A peace officer has the same right to carry a 621  
concealed handgun in this state as a person who was issued a 622  
concealed handgun license under section 2923.125 of the Revised 623  
Code, provided that the officer when carrying a concealed 624  
handgun under authority of this division is carrying validating 625  
identification. For purposes of reciprocity with other states, a 626  
peace officer shall be considered to be a licensee in this 627  
state. 628

(2) An active duty member of the armed forces of the 629  
United States who is carrying a valid military identification 630  
card and documentation of successful completion of firearms 631  
training that meets or exceeds the training requirements 632  
described in division (G) (1) of section 2923.125 of the Revised 633  
Code has the same right to carry a concealed handgun in this 634  
state as a person who was issued a concealed handgun license 635  
under section 2923.125 of the Revised Code and is subject to the 636  
same restrictions as specified in this section. 637

(3) A tactical medical professional who is qualified to 638  
carry firearms while on duty under section 109.771 of the 639  
Revised Code has the same right to carry a concealed handgun in 640  
this state as a person who was issued a concealed handgun 641  
license under section 2923.125 of the Revised Code. 642

(F) (1) A qualified retired peace officer who possesses a 643  
retired peace officer identification card issued pursuant to 644  
division (F) (2) of this section and a valid firearms 645  
requalification certification issued pursuant to division (F) (3) 646

of this section has the same right to carry a concealed handgun 647  
in this state as a person who was issued a concealed handgun 648  
license under section 2923.125 of the Revised Code and is 649  
subject to the same restrictions that apply to a person who 650  
carries a license issued under that section. For purposes of 651  
reciprocity with other states, a qualified retired peace officer 652  
who possesses a retired peace officer identification card issued 653  
pursuant to division (F)(2) of this section and a valid firearms 654  
requalification certification issued pursuant to division (F)(3) 655  
of this section shall be considered to be a licensee in this 656  
state. 657

(2) (a) Each public agency of this state or of a political 658  
subdivision of this state that is served by one or more peace 659  
officers shall issue a retired peace officer identification card 660  
to any person who retired from service as a peace officer with 661  
that agency, if the issuance is in accordance with the agency's 662  
policies and procedures and if the person, with respect to the 663  
person's service with that agency, satisfies all of the 664  
following: 665

(i) The person retired in good standing from service as a 666  
peace officer with the public agency, and the retirement was not 667  
for reasons of mental instability. 668

(ii) Before retiring from service as a peace officer with 669  
that agency, the person was authorized to engage in or supervise 670  
the prevention, detection, investigation, or prosecution of, or 671  
the incarceration of any person for, any violation of law and 672  
the person had statutory powers of arrest. 673

(iii) At the time of the person's retirement as a peace 674  
officer with that agency, the person was trained and qualified 675  
to carry firearms in the performance of the peace officer's 676

duties. 677

(iv) Before retiring from service as a peace officer with 678  
that agency, the person was regularly employed as a peace 679  
officer for an aggregate of fifteen years or more, or, in the 680  
alternative, the person retired from service as a peace officer 681  
with that agency, after completing any applicable probationary 682  
period of that service, due to a service-connected disability, 683  
as determined by the agency. 684

(b) A retired peace officer identification card issued to 685  
a person under division (F) (2) (a) of this section shall identify 686  
the person by name, contain a photograph of the person, identify 687  
the public agency of this state or of the political subdivision 688  
of this state from which the person retired as a peace officer 689  
and that is issuing the identification card, and specify that 690  
the person retired in good standing from service as a peace 691  
officer with the issuing public agency and satisfies the 692  
criteria set forth in divisions (F) (2) (a) (i) to (iv) of this 693  
section. In addition to the required content specified in this 694  
division, a retired peace officer identification card issued to 695  
a person under division (F) (2) (a) of this section may include 696  
the firearms requalification certification described in division 697  
(F) (3) of this section, and if the identification card includes 698  
that certification, the identification card shall serve as the 699  
firearms requalification certification for the retired peace 700  
officer. If the issuing public agency issues credentials to 701  
active law enforcement officers who serve the agency, the agency 702  
may comply with division (F) (2) (a) of this section by issuing 703  
the same credentials to persons who retired from service as a 704  
peace officer with the agency and who satisfy the criteria set 705  
forth in divisions (F) (2) (a) (i) to (iv) of this section, 706  
provided that the credentials so issued to retired peace 707

officers are stamped with the word "RETIRED." 708

(c) A public agency of this state or of a political 709  
subdivision of this state may charge persons who retired from 710  
service as a peace officer with the agency a reasonable fee for 711  
issuing to the person a retired peace officer identification 712  
card pursuant to division (F) (2) (a) of this section. 713

(3) If a person retired from service as a peace officer 714  
with a public agency of this state or of a political subdivision 715  
of this state and the person satisfies the criteria set forth in 716  
divisions (F) (2) (a) (i) to (iv) of this section, the public 717  
agency may provide the retired peace officer with the 718  
opportunity to attend a firearms requalification program that is 719  
approved for purposes of firearms requalification required under 720  
section 109.801 of the Revised Code. The retired peace officer 721  
may be required to pay the cost of the course. 722

If a retired peace officer who satisfies the criteria set 723  
forth in divisions (F) (2) (a) (i) to (iv) of this section attends 724  
a firearms requalification program that is approved for purposes 725  
of firearms requalification required under section 109.801 of 726  
the Revised Code, the retired peace officer's successful 727  
completion of the firearms requalification program requalifies 728  
the retired peace officer for purposes of division (F) of this 729  
section for five years from the date on which the program was 730  
successfully completed, and the requalification is valid during 731  
that five-year period. If a retired peace officer who satisfies 732  
the criteria set forth in divisions (F) (2) (a) (i) to (iv) of this 733  
section satisfactorily completes such a firearms requalification 734  
program, the retired peace officer shall be issued a firearms 735  
requalification certification that identifies the retired peace 736  
officer by name, identifies the entity that taught the program, 737

specifies that the retired peace officer successfully completed 738  
the program, specifies the date on which the course was 739  
successfully completed, and specifies that the requalification 740  
is valid for five years from that date of successful completion. 741  
The firearms requalification certification for a retired peace 742  
officer may be included in the retired peace officer 743  
identification card issued to the retired peace officer under 744  
division (F) (2) of this section. 745

A retired peace officer who attends a firearms 746  
requalification program that is approved for purposes of 747  
firearms requalification required under section 109.801 of the 748  
Revised Code may be required to pay the cost of the program. 749

(G) As used in this section: 750

(1) "Qualified retired peace officer" means a person who 751  
satisfies all of the following: 752

(a) The person satisfies the criteria set forth in 753  
divisions (F) (2) (a) (i) to (v) of this section. 754

(b) The person is not under the influence of alcohol or 755  
another intoxicating or hallucinatory drug or substance. 756

(c) The person is not prohibited by federal law from 757  
receiving firearms. 758

(2) "Retired peace officer identification card" means an 759  
identification card that is issued pursuant to division (F) (2) 760  
of this section to a person who is a retired peace officer. 761

(3) "Government facility of this state or a political 762  
subdivision of this state" means any of the following: 763

(a) A building or part of a building that is owned or 764  
leased by the government of this state or a political 765

subdivision of this state and where employees of the government 766  
of this state or the political subdivision regularly are present 767  
for the purpose of performing their official duties as employees 768  
of the state or political subdivision; 769

(b) The office of a deputy registrar serving pursuant to 770  
Chapter 4503. of the Revised Code that is used to perform deputy 771  
registrar functions. 772

(4) "Governing body" has the same meaning as in section 773  
154.01 of the Revised Code. 774

(5) "Tactical medical professional" has the same meaning 775  
as in section 109.71 of the Revised Code. 776

(6) "Validating identification" means photographic 777  
identification issued by the agency for which an individual 778  
serves as a peace officer that identifies the individual as a 779  
peace officer of the agency. 780

**Sec. 2923.128.** (A) (1) (a) If a licensee holding a valid 781  
concealed handgun license is arrested for or otherwise charged 782  
with an offense described in division (D) (1) (d) of section 783  
2923.125 of the Revised Code or with a violation of section 784  
2923.15 of the Revised Code or becomes subject to a temporary 785  
protection order or to a protection order issued by a court of 786  
another state that is substantially equivalent to a temporary 787  
protection order, the sheriff who issued the license shall 788  
suspend it and shall comply with division (A) (3) of this section 789  
upon becoming aware of the arrest, charge, or protection order. 790  
Upon suspending the license, the sheriff also shall comply with 791  
division (H) of section 2923.125 of the Revised Code. 792

(b) A suspension under division (A) (1) (a) of this section 793  
shall be considered as beginning on the date that the licensee 794

is arrested for or otherwise charged with an offense described 795  
in that division or on the date the appropriate court issued the 796  
protection order described in that division, irrespective of 797  
when the sheriff notifies the licensee under division (A) (3) of 798  
this section. The suspension shall end on the date on which the 799  
charges are dismissed or the licensee is found not guilty of the 800  
offense described in division (A) (1) (a) of this section or, 801  
subject to division (B) of this section, on the date the 802  
appropriate court terminates the protection order described in 803  
that division. If the suspension so ends, the sheriff shall 804  
return the license or temporary emergency license to the 805  
licensee. 806

(2) (a) If a licensee holding a valid concealed handgun 807  
license is convicted of or pleads guilty to a misdemeanor 808  
violation of division (B) ~~(1), (2)~~ or (4) of section 2923.12 of 809  
the Revised Code or of division (E) ~~(1), (2), (3)~~ or (5) of 810  
section 2923.16 of the Revised Code, ~~except as provided in~~ 811  
~~division (A) (2) (c) of this section and~~ subject to division (C) 812  
of this section, the sheriff who issued the license shall 813  
suspend it and shall comply with division (A) (3) of this section 814  
upon becoming aware of the conviction or guilty plea. Upon 815  
suspending the license, the sheriff also shall comply with 816  
division (H) of section 2923.125 of the Revised Code. 817

(b) A suspension under division (A) (2) (a) of this section 818  
shall be considered as beginning on the date that the licensee 819  
is convicted of or pleads guilty to the offense described in 820  
that division, irrespective of when the sheriff notifies the 821  
licensee under division (A) (3) of this section. If the 822  
suspension is imposed for a misdemeanor violation of division 823  
(B) ~~(1) or (2)~~ of section 2923.12 of the Revised Code or of 824  
division (E) ~~(1), (2), or (3)~~ of section 2923.16 of the Revised 825

Code, it shall end on the date that is one year after the date 826  
that the licensee is convicted of or pleads guilty to that 827  
violation. If the suspension is imposed for a misdemeanor 828  
violation of division (B) (4) of section 2923.12 of the Revised 829  
Code or of division (E) (5) of section 2923.16 of the Revised 830  
Code, it shall end on the date that is two years after the date 831  
that the licensee is convicted of or pleads guilty to that 832  
violation. If the licensee's license was issued under section 833  
2923.125 of the Revised Code and the license remains valid after 834  
the suspension ends as described in this division, when the 835  
suspension ends, the sheriff shall return the license to the 836  
licensee. If the licensee's license was issued under section 837  
2923.125 of the Revised Code and the license expires before the 838  
suspension ends as described in this division, or if the 839  
licensee's license was issued under section 2923.1213 of the 840  
Revised Code, the licensee is not eligible to apply for a new 841  
license under section 2923.125 or 2923.1213 of the Revised Code 842  
or to renew the license under section 2923.125 of the Revised 843  
Code until after the suspension ends as described in this 844  
division. 845

~~(c) The license of a licensee who is convicted of or 846  
pleads guilty to a violation of division (B) (1) of section 847  
2923.12 or division (E) (1) or (2) of section 2923.16 of the 848  
Revised Code shall not be suspended pursuant to division (A) (2) 849  
(a) of this section if, at the time of the stop of the licensee 850  
for a law enforcement purpose, for a traffic stop, or for a 851  
purpose defined in section 5503.34 of the Revised Code that was 852  
the basis of the violation, any law enforcement officer involved 853  
with the stop or the employee of the motor carrier enforcement 854  
unit who made the stop had actual knowledge of the licensee's 855  
status as a licensee. 856~~

(3) Upon becoming aware of an arrest, charge, or protection order described in division (A) (1) (a) of this section with respect to a licensee who was issued a concealed handgun license, or a conviction of or plea of guilty to a misdemeanor offense described in division (A) (2) (a) of this section with respect to a licensee who was issued a concealed handgun license ~~and with respect to which division (A) (2) (c) of this section does not apply~~, subject to division (C) of this section, the sheriff who issued the licensee's license shall notify the licensee, by certified mail, return receipt requested, at the licensee's last known residence address that the license has been suspended and that the licensee is required to surrender the license at the sheriff's office within ten days of the date on which the notice was mailed. If the suspension is pursuant to division (A) (2) of this section, the notice shall identify the date on which the suspension ends.

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

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

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

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

(d) On or after the date on which the license was issued, 887  
the licensee becomes subject to a civil protection order or to a 888  
protection order issued by a court of another state that is 889  
substantially equivalent to a civil protection order. 890

(e) The licensee knowingly carries a concealed handgun 891  
into a place that the licensee knows is an unauthorized place 892  
specified in division (B) of section 2923.126 of the Revised 893  
Code. 894

(f) On or after the date on which the license was issued, 895  
the licensee is adjudicated as a mental defective or is 896  
committed to a mental institution. 897

(g) At the time of the issuance of the license, the 898  
licensee did not meet the residency requirements described in 899  
division (D)(1) of section 2923.125 of the Revised Code and 900  
currently does not meet the residency requirements described in 901  
that division. 902

(h) Regarding a license issued under section 2923.125 of 903  
the Revised Code, the competency certificate the licensee 904  
submitted was forged or otherwise was fraudulent. 905

(2) Upon becoming aware of any circumstance listed in 906  
division (B)(1) of this section that applies to a particular 907  
licensee who was issued a concealed handgun license, subject to 908  
division (C) of this section, the sheriff who issued the license 909  
to the licensee shall notify the licensee, by certified mail, 910  
return receipt requested, at the licensee's last known residence 911  
address that the license is subject to revocation and that the 912  
licensee may come to the sheriff's office and contest the 913  
sheriff's proposed revocation within fourteen days of the date 914  
on which the notice was mailed. After the fourteen-day period 915

and after consideration of any information that the licensee 916  
provides during that period, if the sheriff determines on the 917  
basis of the information of which the sheriff is aware that the 918  
licensee is described in division (B) (1) of this section and no 919  
longer satisfies the requirements described in division (D) (1) 920  
of section 2923.125 of the Revised Code that are applicable to 921  
the licensee's type of license, the sheriff shall revoke the 922  
license, notify the licensee of that fact, and require the 923  
licensee to surrender the license. Upon revoking the license, 924  
the sheriff also shall comply with division (H) of section 925  
2923.125 of the Revised Code. 926

(C) If a sheriff who issues a concealed handgun license to 927  
a licensee becomes aware that at the time of the issuance of the 928  
license the licensee had been convicted of or pleaded guilty to 929  
an offense identified in division (D) (1) (e), (f), or (h) of 930  
section 2923.125 of the Revised Code or had been adjudicated a 931  
delinquent child for committing an act or violation identified 932  
in any of those divisions or becomes aware that on or after the 933  
date on which the license was issued the licensee has been 934  
convicted of or pleaded guilty to an offense identified in 935  
division (A) (2) (a) or (B) (1) (c) of this section, the sheriff 936  
shall not consider that conviction, guilty plea, or adjudication 937  
as having occurred for purposes of divisions (A) (2), (A) (3), (B) 938  
(1), and (B) (2) of this section if a court has ordered the 939  
sealing or expungement of the records of that conviction, guilty 940  
plea, or adjudication pursuant to sections 2151.355 to 2151.358 941  
or sections 2953.31 to 2953.36 of the Revised Code or the 942  
licensee has been relieved under operation of law or legal 943  
process from the disability imposed pursuant to section 2923.13 944  
of the Revised Code relative to that conviction, guilty plea, or 945  
adjudication. 946

(D) As used in this section, "motor carrier enforcement unit" has the same meaning as in section 2923.16 of the Revised Code. 947  
948  
949

**Sec. 2923.16.** (A) No person shall knowingly discharge a firearm while in or on a motor vehicle. 950  
951

(B) No person shall knowingly transport or have a loaded firearm in a motor vehicle in such a manner that the firearm is accessible to the operator or any passenger without leaving the vehicle. 952  
953  
954  
955

(C) No person shall knowingly transport or have a firearm in a motor vehicle, unless the person may lawfully possess that firearm under applicable law of this state or the United States, the firearm is unloaded, and the firearm is carried in one of the following ways: 956  
957  
958  
959  
960

(1) In a closed package, box, or case; 961

(2) In a compartment that can be reached only by leaving the vehicle; 962  
963

(3) In plain sight and secured in a rack or holder made for the purpose; 964  
965

(4) If the firearm is at least twenty-four inches in overall length as measured from the muzzle to the part of the stock furthest from the muzzle and if the barrel is at least eighteen inches in length, either in plain sight with the action open or the weapon stripped, or, if the firearm is of a type on which the action will not stay open or which cannot easily be stripped, in plain sight. 966  
967  
968  
969  
970  
971  
972

(D) No person shall knowingly transport or have a loaded handgun in a motor vehicle if, at the time of that 973  
974

transportation or possession, any of the following applies:	975
(1) The person is under the influence of alcohol, a drug of abuse, or a combination of them.	976 977
(2) The person's whole blood, blood serum or plasma, breath, or urine contains a concentration of alcohol, a listed controlled substance, or a listed metabolite of a controlled substance prohibited for persons operating a vehicle, as specified in division (A) of section 4511.19 of the Revised Code, regardless of whether the person at the time of the transportation or possession as described in this division is the operator of or a passenger in the motor vehicle.	978 979 980 981 982 983 984 985
(E) No person who has been issued a concealed handgun license or who is an active duty member of the armed forces of the United States and is carrying a valid military identification card and documentation of successful completion of firearms training that meets or exceeds the training requirements described in division (G)(1) of section 2923.125 of the Revised Code, who is the driver or an occupant of a motor vehicle that is stopped as a result of a traffic stop or a stop for another law enforcement purpose or is the driver or an occupant of a commercial motor vehicle that is stopped by an employee of the motor carrier enforcement unit for the purposes defined in section 5503.34 of the Revised Code, and who is transporting or has a loaded handgun in the motor vehicle or commercial motor vehicle in any manner, shall do any of the following:	986 987 988 989 990 991 992 993 994 995 996 997 998 999 1000
(1) <u>Fail to promptly</u> <u>Before or at the time a law</u> <u>enforcement officer requests the person's concealed handgun</u> <u>license or asks if the person is carrying a concealed handgun,</u> <u>fail to do both of the following:</u>	1001 1002 1003 1004

(a) Display the person's concealed handgun license or military identification card and documentation of successful completion of firearms training that meets or exceeds the training requirements described in division (G)(1) of section 2923.125 of the Revised Code or orally inform any the law enforcement officer who approaches the vehicle while stopped that the person has been issued a concealed handgun license or is authorized to carry a concealed handgun as an active duty member of the armed forces of the United States ~~and;~~

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

~~(2) Fail to promptly~~ Before or at the time an employee of the motor carrier enforcement unit requests the person's concealed handgun license or asks if the person is carrying a concealed handgun, fail to do both of the following:

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

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

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

approaching the person while stopped and before the law 1034  
enforcement officer leaves, unless the failure is pursuant to 1035  
and in accordance with directions given by a law enforcement 1036  
officer; 1037

(4) Knowingly have contact with the loaded handgun by 1038  
touching it with the person's hands or fingers in the motor 1039  
vehicle at any time after the law enforcement officer begins 1040  
approaching and before the law enforcement officer leaves, 1041  
unless the person has contact with the loaded handgun pursuant 1042  
to and in accordance with directions given by the law 1043  
enforcement officer; 1044

(5) Knowingly disregard or fail to comply with any lawful 1045  
order of any law enforcement officer given while the motor 1046  
vehicle is stopped, including, but not limited to, a specific 1047  
order to the person to keep the person's hands in plain sight. 1048

(F) (1) Divisions (A), (B), (C), and (E) of this section do 1049  
not apply to any of the following: 1050

(a) An officer, agent, or employee of this or any other 1051  
state or the United States, or a law enforcement officer, when 1052  
authorized to carry or have loaded or accessible firearms in 1053  
motor vehicles and acting within the scope of the officer's, 1054  
agent's, or employee's duties; 1055

(b) Any person who is employed in this state, who is 1056  
authorized to carry or have loaded or accessible firearms in 1057  
motor vehicles, and who is subject to and in compliance with the 1058  
requirements of section 109.801 of the Revised Code, unless the 1059  
appointing authority of the person has expressly specified that 1060  
the exemption provided in division (F) (1) (b) of this section 1061  
does not apply to the person. 1062

(2) Division (A) of this section does not apply to a 1063  
person if all of the following circumstances apply: 1064

(a) The person discharges a firearm from a motor vehicle 1065  
at a coyote or groundhog, the discharge is not during the deer 1066  
gun hunting season as set by the chief of the division of 1067  
wildlife of the department of natural resources, and the 1068  
discharge at the coyote or groundhog, but for the operation of 1069  
this section, is lawful. 1070

(b) The motor vehicle from which the person discharges the 1071  
firearm is on real property that is located in an unincorporated 1072  
area of a township and that either is zoned for agriculture or 1073  
is used for agriculture. 1074

(c) The person owns the real property described in 1075  
division (F) (2) (b) of this section, is the spouse or a child of 1076  
another person who owns that real property, is a tenant of 1077  
another person who owns that real property, or is the spouse or 1078  
a child of a tenant of another person who owns that real 1079  
property. 1080

(d) The person does not discharge the firearm in any of 1081  
the following manners: 1082

(i) While under the influence of alcohol, a drug of abuse, 1083  
or alcohol and a drug of abuse; 1084

(ii) In the direction of a street, highway, or other 1085  
public or private property used by the public for vehicular 1086  
traffic or parking; 1087

(iii) At or into an occupied structure that is a permanent 1088  
or temporary habitation; 1089

(iv) In the commission of any violation of law, including, 1090

but not limited to, a felony that includes, as an essential 1091  
element, purposely or knowingly causing or attempting to cause 1092  
the death of or physical harm to another and that was committed 1093  
by discharging a firearm from a motor vehicle. 1094

(3) Division (A) of this section does not apply to a 1095  
person if all of the following apply: 1096

(a) The person possesses a valid all-purpose vehicle 1097  
permit issued under section 1533.103 of the Revised Code by the 1098  
chief of the division of wildlife. 1099

(b) The person discharges a firearm at a wild quadruped or 1100  
game bird as defined in section 1531.01 of the Revised Code 1101  
during the open hunting season for the applicable wild quadruped 1102  
or game bird. 1103

(c) The person discharges a firearm from a stationary all- 1104  
purpose vehicle as defined in section 1531.01 of the Revised 1105  
Code from private or publicly owned lands or from a motor 1106  
vehicle that is parked on a road that is owned or administered 1107  
by the division of wildlife. 1108

(d) The person does not discharge the firearm in any of 1109  
the following manners: 1110

(i) While under the influence of alcohol, a drug of abuse, 1111  
or alcohol and a drug of abuse; 1112

(ii) In the direction of a street, a highway, or other 1113  
public or private property that is used by the public for 1114  
vehicular traffic or parking; 1115

(iii) At or into an occupied structure that is a permanent 1116  
or temporary habitation; 1117

(iv) In the commission of any violation of law, including, 1118

but not limited to, a felony that includes, as an essential 1119  
element, purposely or knowingly causing or attempting to cause 1120  
the death of or physical harm to another and that was committed 1121  
by discharging a firearm from a motor vehicle. 1122

(4) Divisions (B) and (C) of this section do not apply to 1123  
a person if all of the following circumstances apply: 1124

(a) At the time of the alleged violation of either of 1125  
those divisions, the person is the operator of or a passenger in 1126  
a motor vehicle. 1127

(b) The motor vehicle is on real property that is located 1128  
in an unincorporated area of a township and that either is zoned 1129  
for agriculture or is used for agriculture. 1130

(c) The person owns the real property described in 1131  
division (D) (4) (b) of this section, is the spouse or a child of 1132  
another person who owns that real property, is a tenant of 1133  
another person who owns that real property, or is the spouse or 1134  
a child of a tenant of another person who owns that real 1135  
property. 1136

(d) The person, prior to arriving at the real property 1137  
described in division (D) (4) (b) of this section, did not 1138  
transport or possess a firearm in the motor vehicle in a manner 1139  
prohibited by division (B) or (C) of this section while the 1140  
motor vehicle was being operated on a street, highway, or other 1141  
public or private property used by the public for vehicular 1142  
traffic or parking. 1143

(5) Divisions (B) and (C) of this section do not apply to 1144  
a person who transports or possesses a handgun in a motor 1145  
vehicle if, at the time of that transportation or possession, 1146  
both of the following apply: 1147

(a) The person transporting or possessing the handgun is 1148  
either carrying a valid concealed handgun license or is an 1149  
active duty member of the armed forces of the United States and 1150  
is carrying a valid military identification card and 1151  
documentation of successful completion of firearms training that 1152  
meets or exceeds the training requirements described in division 1153  
(G) (1) of section 2923.125 of the Revised Code. 1154

(b) The person transporting or possessing the handgun is 1155  
not knowingly in a place described in division (B) of section 1156  
2923.126 of the Revised Code. 1157

(6) Divisions (B) and (C) of this section do not apply to 1158  
a person if all of the following apply: 1159

(a) The person possesses a valid all-purpose vehicle 1160  
permit issued under section 1533.103 of the Revised Code by the 1161  
chief of the division of wildlife. 1162

(b) The person is on or in an all-purpose vehicle as 1163  
defined in section 1531.01 of the Revised Code or a motor 1164  
vehicle during the open hunting season for a wild quadruped or 1165  
game bird. 1166

(c) The person is on or in an all-purpose vehicle as 1167  
defined in section 1531.01 of the Revised Code on private or 1168  
publicly owned lands or on or in a motor vehicle that is parked 1169  
on a road that is owned or administered by the division of 1170  
wildlife. 1171

(7) Nothing in this section prohibits or restricts a 1172  
person from possessing, storing, or leaving a firearm in a 1173  
locked motor vehicle that is parked in the state underground 1174  
parking garage at the state capitol building or in the parking 1175  
garage at the Riffe center for government and the arts in 1176

Columbus, if the person's transportation and possession of the 1177  
firearm in the motor vehicle while traveling to the premises or 1178  
facility was not in violation of division (A), (B), (C), (D), or 1179  
(E) of this section or any other provision of the Revised Code. 1180

(G) (1) The affirmative defenses authorized in divisions 1181  
(D) (1) and (2) of section 2923.12 of the Revised Code are 1182  
affirmative defenses to a charge under division (B) or (C) of 1183  
this section that involves a firearm other than a handgun. 1184

(2) It is an affirmative defense to a charge under 1185  
division (B) or (C) of this section of improperly handling 1186  
firearms in a motor vehicle that the actor transported or had 1187  
the firearm in the motor vehicle for any lawful purpose and 1188  
while the motor vehicle was on the actor's own property, 1189  
provided that this affirmative defense is not available unless 1190  
the person, immediately prior to arriving at the actor's own 1191  
property, did not transport or possess the firearm in a motor 1192  
vehicle in a manner prohibited by division (B) or (C) of this 1193  
section while the motor vehicle was being operated on a street, 1194  
highway, or other public or private property used by the public 1195  
for vehicular traffic. 1196

(H) (1) No person who is charged with a violation of 1197  
division (B), (C), or (D) of this section shall be required to 1198  
obtain a concealed handgun license as a condition for the 1199  
dismissal of the charge. 1200

(2) (a) If a person is convicted of, was convicted of, 1201  
pleads guilty to, or has pleaded guilty to a violation of 1202  
division (E) of this section as it existed prior to September 1203  
30, 2011, and if the conduct that was the basis of the violation 1204  
no longer would be a violation of division (E) of this section 1205  
on or after September 30, 2011, the person may file an 1206

application under section 2953.37 of the Revised Code requesting 1207  
the expungement of the record of conviction. 1208

If a person is convicted of, was convicted of, pleads 1209  
guilty to, or has pleaded guilty to a violation of division (B) 1210  
or (C) of this section as the division existed prior to 1211  
September 30, 2011, and if the conduct that was the basis of the 1212  
violation no longer would be a violation of division (B) or (C) 1213  
of this section on or after September 30, 2011, due to the 1214  
application of division (F)(5) of this section as it exists on 1215  
and after September 30, 2011, the person may file an application 1216  
under section 2953.37 of the Revised Code requesting the 1217  
expungement of the record of conviction. 1218

(b) The attorney general shall develop a public media 1219  
advisory that summarizes the expungement procedure established 1220  
under section 2953.37 of the Revised Code and the offenders 1221  
identified in division (H)(2)(a) of this section who are 1222  
authorized to apply for the expungement. Within thirty days 1223  
after September 30, 2011, the attorney general shall provide a 1224  
copy of the advisory to each daily newspaper published in this 1225  
state and each television station that broadcasts in this state. 1226  
The attorney general may provide the advisory in a tangible 1227  
form, an electronic form, or in both tangible and electronic 1228  
forms. 1229

(I) Whoever violates this section is guilty of improperly 1230  
handling firearms in a motor vehicle. Violation of division (A) 1231  
of this section is a felony of the fourth degree. Violation of 1232  
division (C) of this section is a misdemeanor of the fourth 1233  
degree. A violation of division (D) of this section is a felony 1234  
of the fifth degree or, if the loaded handgun is concealed on 1235  
the person's person, a felony of the fourth degree. ~~Except as~~ 1236

~~otherwise provided in this division, a violation of division (E)~~ 1237  
~~(1) or (2) of this section is a misdemeanor of the first degree,~~ 1238  
~~and, in addition to any other penalty or sanction imposed for~~ 1239  
~~the violation, the offender's concealed handgun license shall be~~ 1240  
~~suspended pursuant to division (A) (2) of section 2923.128 of the~~ 1241  
~~Revised Code. If at the time of the stop of the offender for a~~ 1242  
~~traffic stop, for another law enforcement purpose, or for a~~ 1243  
~~purpose defined in section 5503.34 of the Revised Code that was~~ 1244  
~~the basis of the violation any law enforcement officer involved~~ 1245  
~~with the stop or the employee of the motor carrier enforcement~~ 1246  
~~unit who made the stop had actual knowledge of the offender's~~ 1247  
~~status as a licensee, a violation of division (E) (1) or (2) of~~ 1248  
~~this section is a minor misdemeanor, and the offender's~~ 1249  
~~concealed handgun license shall not be suspended pursuant to~~ 1250  
~~division (A) (2) of section 2923.128 of the Revised Code . A~~ 1251  
violation of division (E) (4) of this section is a felony of the 1252  
fifth degree. A violation of division (E) (3) or (5) of this 1253  
section is a misdemeanor of the first degree or, if the offender 1254  
previously has been convicted of or pleaded guilty to a 1255  
violation of division (E) (3) or (5) of this section, a felony of 1256  
the fifth degree. In addition to any other penalty or sanction 1257  
imposed for a misdemeanor violation of division (E) (3) or (5) of 1258  
this section, the offender's concealed handgun license shall be 1259  
suspended pursuant to division (A) (2) of section 2923.128 of the 1260  
Revised Code. A violation of division (B) of this section is a 1261  
felony of the fourth degree. 1262

(J) If a law enforcement officer stops a motor vehicle for 1263  
a traffic stop or any other purpose, if any person in the motor 1264  
vehicle surrenders a firearm to the officer, either voluntarily 1265  
or pursuant to a request or demand of the officer, and if the 1266  
officer does not charge the person with a violation of this 1267

section or arrest the person for any offense, the person is not 1268  
otherwise prohibited by law from possessing the firearm, and the 1269  
firearm is not contraband, the officer shall return the firearm 1270  
to the person at the termination of the stop. If a court orders 1271  
a law enforcement officer to return a firearm to a person 1272  
pursuant to the requirement set forth in this division, division 1273  
(B) of section 2923.163 of the Revised Code applies. 1274

(K) As used in this section: 1275

(1) "Motor vehicle," "street," and "highway" have the same 1276  
meanings as in section 4511.01 of the Revised Code. 1277

(2) "Occupied structure" has the same meaning as in 1278  
section 2909.01 of the Revised Code. 1279

(3) "Agriculture" has the same meaning as in section 1280  
519.01 of the Revised Code. 1281

(4) "Tenant" has the same meaning as in section 1531.01 of 1282  
the Revised Code. 1283

(5) (a) "Unloaded" means, with respect to a firearm other 1284  
than a firearm described in division (K) (6) of this section, 1285  
that no ammunition is in the firearm in question, no magazine or 1286  
speed loader containing ammunition is inserted into the firearm 1287  
in question, and one of the following applies: 1288

(i) There is no ammunition in a magazine or speed loader 1289  
that is in the vehicle in question and that may be used with the 1290  
firearm in question. 1291

(ii) Any magazine or speed loader that contains ammunition 1292  
and that may be used with the firearm in question is stored in a 1293  
compartment within the vehicle in question that cannot be 1294  
accessed without leaving the vehicle or is stored in a container 1295

that provides complete and separate enclosure. 1296

(b) For the purposes of division (K) (5) (a) (ii) of this 1297  
section, a "container that provides complete and separate 1298  
enclosure" includes, but is not limited to, any of the 1299  
following: 1300

(i) A package, box, or case with multiple compartments, as 1301  
long as the loaded magazine or speed loader and the firearm in 1302  
question either are in separate compartments within the package, 1303  
box, or case, or, if they are in the same compartment, the 1304  
magazine or speed loader is contained within a separate 1305  
enclosure in that compartment that does not contain the firearm 1306  
and that closes using a snap, button, buckle, zipper, hook and 1307  
loop closing mechanism, or other fastener that must be opened to 1308  
access the contents or the firearm is contained within a 1309  
separate enclosure of that nature in that compartment that does 1310  
not contain the magazine or speed loader; 1311

(ii) A pocket or other enclosure on the person of the 1312  
person in question that closes using a snap, button, buckle, 1313  
zipper, hook and loop closing mechanism, or other fastener that 1314  
must be opened to access the contents. 1315

(c) For the purposes of divisions (K) (5) (a) and (b) of 1316  
this section, ammunition held in stripper-clips or in en-bloc 1317  
clips is not considered ammunition that is loaded into a 1318  
magazine or speed loader. 1319

(6) "Unloaded" means, with respect to a firearm employing 1320  
a percussion cap, flintlock, or other obsolete ignition system, 1321  
when the weapon is uncapped or when the priming charge is 1322  
removed from the pan. 1323

(7) "Commercial motor vehicle" has the same meaning as in 1324

division (A) of section 4506.25 of the Revised Code. 1325

(8) "Motor carrier enforcement unit" means the motor 1326  
carrier enforcement unit in the department of public safety, 1327  
division of state highway patrol, that is created by section 1328  
5503.34 of the Revised Code. 1329

(L) Divisions (K) (5) (a) and (b) of this section do not 1330  
affect the authority of a person who is carrying a valid 1331  
concealed handgun license to have one or more magazines or speed 1332  
loaders containing ammunition anywhere in a vehicle, without 1333  
being transported as described in those divisions, as long as no 1334  
ammunition is in a firearm, other than a handgun, in the vehicle 1335  
other than as permitted under any other provision of this 1336  
chapter. A person who is carrying a valid concealed handgun 1337  
license may have one or more magazines or speed loaders 1338  
containing ammunition anywhere in a vehicle without further 1339  
restriction, as long as no ammunition is in a firearm, other 1340  
than a handgun, in the vehicle other than as permitted under any 1341  
provision of this chapter. 1342

**Section 2.** That existing sections 109.78, 2923.12, 1343  
2923.126, 2923.128, and 2923.16 of the Revised Code are hereby 1344  
repealed. 1345

**Section 3.** The General Assembly hereby declares that the 1346  
purpose of this act is to expressly overrule the decision of the 1347  
Twelfth District Court of Appeals in the case Gabbard v. Madison 1348  
Local School Dist. Bd. of Educ., 12th Dist. Butler No. CA2019- 1349  
03-051, 2020-Ohio-1180. 1350

**Section 4.** Section 2923.126 of the Revised Code is 1351  
presented in this act as a composite of the section as amended 1352  
by both H.B. 79 and H.B. 228 of the 132nd General Assembly. The 1353

General Assembly, applying the principle stated in division (B) 1354  
of section 1.52 of the Revised Code that amendments are to be 1355  
harmonized if reasonably capable of simultaneous operation, 1356  
finds that the composite is the resulting version of the section 1357  
in effect prior to the effective date of the section as 1358  
presented in this act. 1359