

**As Introduced**

**134th General Assembly**

**Regular Session**

**2021-2022**

**H. B. No. 257**

**Representatives Russo, Smith, M.**

**Cosponsors: Representatives Sweeney, Boyd, Brent, Brown, Lightbody, Smith, K., Miller, A., Skindell, Lepore-Hagan, Robinson, Sobecki, Weinstein, O'Brien, Miller, J., Leland, Crawley, Sheehy**

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**A BILL**

To amend sections 109.57, 2923.125, 2923.128, 1  
2923.1213, and 2923.13 and to enact sections 2  
2923.26, 2923.27, 2923.28, 2923.29, 2923.30, and 3  
2923.99 of the Revised Code to enact the Extreme 4  
Risk Protection Order Act to allow family 5  
members, household members, and law enforcement 6  
officers to obtain a court order that 7  
temporarily restricts a person's access to 8  
firearms if that person poses a danger to 9  
themselves or others. 10

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

**Section 1.** That sections 109.57, 2923.125, 2923.128, 11  
2923.1213, and 2923.13 be amended and sections 2923.26, 2923.27, 12  
2923.28, 2923.29, 2923.30, and 2923.99 of the Revised Code be 13  
enacted to read as follows: 14

**Sec. 109.57.** (A) (1) The superintendent of the bureau of 15  
criminal identification and investigation shall procure from 16  
wherever procurable and file for record photographs, pictures, 17

descriptions, fingerprints, measurements, and other information 18  
that may be pertinent of all persons who have been convicted of 19  
committing within this state a felony, any crime constituting a 20  
misdemeanor on the first offense and a felony on subsequent 21  
offenses, or any misdemeanor described in division (A) (1) (a), 22  
(A) (5) (a), or (A) (7) (a) of section 109.572 of the Revised Code, 23  
of all children under eighteen years of age who have been 24  
adjudicated delinquent children for committing within this state 25  
an act that would be a felony or an offense of violence if 26  
committed by an adult or who have been convicted of or pleaded 27  
guilty to committing within this state a felony or an offense of 28  
violence, and of all well-known and habitual criminals. The 29  
person in charge of any county, multicounty, municipal, 30  
municipal-county, or multicounty-municipal jail or workhouse, 31  
community-based correctional facility, halfway house, 32  
alternative residential facility, or state correctional 33  
institution and the person in charge of any state institution 34  
having custody of a person suspected of having committed a 35  
felony, any crime constituting a misdemeanor on the first 36  
offense and a felony on subsequent offenses, or any misdemeanor 37  
described in division (A) (1) (a), (A) (5) (a), or (A) (7) (a) of 38  
section 109.572 of the Revised Code or having custody of a child 39  
under eighteen years of age with respect to whom there is 40  
probable cause to believe that the child may have committed an 41  
act that would be a felony or an offense of violence if 42  
committed by an adult shall furnish such material to the 43  
superintendent of the bureau. Fingerprints, photographs, or 44  
other descriptive information of a child who is under eighteen 45  
years of age, has not been arrested or otherwise taken into 46  
custody for committing an act that would be a felony or an 47  
offense of violence who is not in any other category of child 48  
specified in this division, if committed by an adult, has not 49

been adjudicated a delinquent child for committing an act that 50  
would be a felony or an offense of violence if committed by an 51  
adult, has not been convicted of or pleaded guilty to committing 52  
a felony or an offense of violence, and is not a child with 53  
respect to whom there is probable cause to believe that the 54  
child may have committed an act that would be a felony or an 55  
offense of violence if committed by an adult shall not be 56  
procured by the superintendent or furnished by any person in 57  
charge of any county, multicounty, municipal, municipal-county, 58  
or multicounty-municipal jail or workhouse, community-based 59  
correctional facility, halfway house, alternative residential 60  
facility, or state correctional institution, except as 61  
authorized in section 2151.313 of the Revised Code. 62

(2) Every clerk of a court of record in this state, other 63  
than the supreme court or a court of appeals, shall send to the 64  
superintendent of the bureau a weekly report containing a 65  
summary of each case involving a felony, involving any crime 66  
constituting a misdemeanor on the first offense and a felony on 67  
subsequent offenses, involving a misdemeanor described in 68  
division (A) (1) (a), (A) (5) (a), or (A) (7) (a) of section 109.572 69  
of the Revised Code, or involving an adjudication in a case in 70  
which a child under eighteen years of age was alleged to be a 71  
delinquent child for committing an act that would be a felony or 72  
an offense of violence if committed by an adult. The clerk of 73  
the court of common pleas shall include in the report and 74  
summary the clerk sends under this division all information 75  
described in divisions (A) (2) (a) to (f) of this section 76  
regarding a case before the court of appeals that is served by 77  
that clerk. The summary shall be written on the standard forms 78  
furnished by the superintendent pursuant to division (B) of this 79  
section and shall include the following information: 80

(a) The incident tracking number contained on the standard forms furnished by the superintendent pursuant to division (B) of this section;	81 82 83
(b) The style and number of the case;	84
(c) The date of arrest, offense, summons, or arraignment;	85
(d) The date that the person was convicted of or pleaded guilty to the offense, adjudicated a delinquent child for committing the act that would be a felony or an offense of violence if committed by an adult, found not guilty of the offense, or found not to be a delinquent child for committing an act that would be a felony or an offense of violence if committed by an adult, the date of an entry dismissing the charge, an entry declaring a mistrial of the offense in which the person is discharged, an entry finding that the person or child is not competent to stand trial, or an entry of a nolle prosequi, or the date of any other determination that constitutes final resolution of the case;	86 87 88 89 90 91 92 93 94 95 96 97
(e) A statement of the original charge with the section of the Revised Code that was alleged to be violated;	98 99
(f) If the person or child was convicted, pleaded guilty, or was adjudicated a delinquent child, the sentence or terms of probation imposed or any other disposition of the offender or the delinquent child.	100 101 102 103
If the offense involved the disarming of a law enforcement officer or an attempt to disarm a law enforcement officer, the clerk shall clearly state that fact in the summary, and the superintendent shall ensure that a clear statement of that fact is placed in the bureau's records.	104 105 106 107 108
(3) The superintendent shall cooperate with and assist	109

sheriffs, chiefs of police, and other law enforcement officers 110  
in the establishment of a complete system of criminal 111  
identification and in obtaining fingerprints and other means of 112  
identification of all persons arrested on a charge of a felony, 113  
any crime constituting a misdemeanor on the first offense and a 114  
felony on subsequent offenses, or a misdemeanor described in 115  
division (A) (1) (a), (A) (5) (a), or (A) (7) (a) of section 109.572 116  
of the Revised Code and of all children under eighteen years of 117  
age arrested or otherwise taken into custody for committing an 118  
act that would be a felony or an offense of violence if 119  
committed by an adult. The superintendent also shall file for 120  
record the fingerprint impressions of all persons confined in a 121  
county, multicounty, municipal, municipal-county, or 122  
multicounty-municipal jail or workhouse, community-based 123  
correctional facility, halfway house, alternative residential 124  
facility, or state correctional institution for the violation of 125  
state laws and of all children under eighteen years of age who 126  
are confined in a county, multicounty, municipal, municipal- 127  
county, or multicounty-municipal jail or workhouse, community- 128  
based correctional facility, halfway house, alternative 129  
residential facility, or state correctional institution or in 130  
any facility for delinquent children for committing an act that 131  
would be a felony or an offense of violence if committed by an 132  
adult, and any other information that the superintendent may 133  
receive from law enforcement officials of the state and its 134  
political subdivisions. 135

(4) The superintendent shall carry out Chapter 2950. of 136  
the Revised Code with respect to the registration of persons who 137  
are convicted of or plead guilty to a sexually oriented offense 138  
or a child-victim oriented offense and with respect to all other 139  
duties imposed on the bureau under that chapter. 140

(5) The bureau shall perform centralized recordkeeping 141  
functions for criminal history records and services in this 142  
state for purposes of the national crime prevention and privacy 143  
compact set forth in section 109.571 of the Revised Code and is 144  
the criminal history record repository as defined in that 145  
section for purposes of that compact. The superintendent or the 146  
superintendent's designee is the compact officer for purposes of 147  
that compact and shall carry out the responsibilities of the 148  
compact officer specified in that compact. 149

(6) The superintendent shall, upon request, assist a 150  
county coroner in the identification of a deceased person 151  
through the use of fingerprint impressions obtained pursuant to 152  
division (A)(1) of this section or collected pursuant to section 153  
109.572 or 311.41 of the Revised Code. 154

(B) The superintendent shall prepare and furnish to every 155  
county, multicounty, municipal, municipal-county, or 156  
multicounty-municipal jail or workhouse, community-based 157  
correctional facility, halfway house, alternative residential 158  
facility, or state correctional institution and to every clerk 159  
of a court in this state specified in division (A)(2) of this 160  
section standard forms for reporting the information required 161  
under division (A) of this section. The standard forms that the 162  
superintendent prepares pursuant to this division may be in a 163  
tangible format, in an electronic format, or in both tangible 164  
formats and electronic formats. 165

(C) (1) The superintendent may operate a center for 166  
electronic, automated, or other data processing for the storage 167  
and retrieval of information, data, and statistics pertaining to 168  
criminals and to children under eighteen years of age who are 169  
adjudicated delinquent children for committing an act that would 170

be a felony or an offense of violence if committed by an adult, 171  
criminal activity, crime prevention, law enforcement, and 172  
criminal justice, and may establish and operate a statewide 173  
communications network to be known as the Ohio law enforcement 174  
gateway to gather and disseminate information, data, and 175  
statistics for the use of law enforcement agencies and for other 176  
uses specified in this division. The superintendent may gather, 177  
store, retrieve, and disseminate information, data, and 178  
statistics that pertain to children who are under eighteen years 179  
of age and that are gathered pursuant to sections 109.57 to 180  
109.61 of the Revised Code together with information, data, and 181  
statistics that pertain to adults and that are gathered pursuant 182  
to those sections. 183

(2) The superintendent or the superintendent's designee 184  
shall gather information of the nature described in division (C) 185  
(1) of this section that pertains to the offense and delinquency 186  
history of a person who has been convicted of, pleaded guilty 187  
to, or been adjudicated a delinquent child for committing a 188  
sexually oriented offense or a child-victim oriented offense for 189  
inclusion in the state registry of sex offenders and child- 190  
victim offenders maintained pursuant to division (A) (1) of 191  
section 2950.13 of the Revised Code and in the internet database 192  
operated pursuant to division (A) (13) of that section and for 193  
possible inclusion in the internet database operated pursuant to 194  
division (A) (11) of that section. 195

(3) In addition to any other authorized use of 196  
information, data, and statistics of the nature described in 197  
division (C) (1) of this section, the superintendent or the 198  
superintendent's designee may provide and exchange the 199  
information, data, and statistics pursuant to the national crime 200  
prevention and privacy compact as described in division (A) (5) 201

of this section.	202
(4) The Ohio law enforcement gateway shall contain the	203
name, confidential address, and telephone number of program	204
participants in the address confidentiality program established	205
under sections 111.41 to 111.47 of the Revised Code.	206
(5) The attorney general may adopt rules under Chapter	207
119. of the Revised Code establishing guidelines for the	208
operation of and participation in the Ohio law enforcement	209
gateway. The rules may include criteria for granting and	210
restricting access to information gathered and disseminated	211
through the Ohio law enforcement gateway. The attorney general	212
shall adopt rules under Chapter 119. of the Revised Code that	213
grant access to information in the gateway regarding an address	214
confidentiality program participant under sections 111.41 to	215
111.47 of the Revised Code to only chiefs of police, village	216
marshals, county sheriffs, county prosecuting attorneys, and a	217
designee of each of these individuals. The attorney general	218
shall permit the state medical board and board of nursing to	219
access and view, but not alter, information gathered and	220
disseminated through the Ohio law enforcement gateway.	221
The attorney general may appoint a steering committee to	222
advise the attorney general in the operation of the Ohio law	223
enforcement gateway that is comprised of persons who are	224
representatives of the criminal justice agencies in this state	225
that use the Ohio law enforcement gateway and is chaired by the	226
superintendent or the superintendent's designee.	227
(D) (1) The following are not public records under section	228
149.43 of the Revised Code:	229
(a) Information and materials furnished to the	230

superintendent pursuant to division (A) of this section;	231
(b) Information, data, and statistics gathered or	232
disseminated through the Ohio law enforcement gateway pursuant	233
to division (C) (1) of this section;	234
(c) Information and materials furnished to any board or	235
person under division (F) or (G) of this section.	236
(2) The superintendent or the superintendent's designee	237
shall gather and retain information so furnished under division	238
(A) of this section that pertains to the offense and delinquency	239
history of a person who has been convicted of, pleaded guilty	240
to, or been adjudicated a delinquent child for committing a	241
sexually oriented offense or a child-victim oriented offense for	242
the purposes described in division (C) (2) of this section.	243
(E) (1) The attorney general shall adopt rules, in	244
accordance with Chapter 119. of the Revised Code and subject to	245
division (E) (2) of this section, setting forth the procedure by	246
which a person may receive or release information gathered by	247
the superintendent pursuant to division (A) of this section. A	248
reasonable fee may be charged for this service. If a temporary	249
employment service submits a request for a determination of	250
whether a person the service plans to refer to an employment	251
position has been convicted of or pleaded guilty to an offense	252
listed or described in division (A) (1), (2), or (3) of section	253
109.572 of the Revised Code, the request shall be treated as a	254
single request and only one fee shall be charged.	255
(2) Except as otherwise provided in this division or	256
division (E) (3) or (4) of this section, a rule adopted under	257
division (E) (1) of this section may provide only for the release	258
of information gathered pursuant to division (A) of this section	259

that relates to the conviction of a person, or a person's plea of guilty to, a criminal offense or to the arrest of a person as provided in division (E) (3) of this section. The superintendent shall not release, and the attorney general shall not adopt any rule under division (E) (1) of this section that permits the release of, any information gathered pursuant to division (A) of this section that relates to an adjudication of a child as a delinquent child, or that relates to a criminal conviction of a person under eighteen years of age if the person's case was transferred back to a juvenile court under division (B) (2) or (3) of section 2152.121 of the Revised Code and the juvenile court imposed a disposition or serious youthful offender disposition upon the person under either division, unless either of the following applies with respect to the adjudication or conviction:

(a) The adjudication or conviction was for a violation of section 2903.01 or 2903.02 of the Revised Code.

(b) The adjudication or conviction was for a sexually oriented offense, the juvenile court was required to classify the child a juvenile offender registrant for that offense under section 2152.82, 2152.83, or 2152.86 of the Revised Code, that classification has not been removed, and the records of the adjudication or conviction have not been sealed or expunged pursuant to sections 2151.355 to 2151.358 or sealed pursuant to section 2952.32 of the Revised Code.

(3) A rule adopted under division (E) (1) of this section may provide for the release of information gathered pursuant to division (A) of this section that relates to the arrest of a person who is eighteen years of age or older when the person has not been convicted as a result of that arrest if any of the

following applies:	290
(a) The arrest was made outside of this state.	291
(b) A criminal action resulting from the arrest is pending, and the superintendent confirms that the criminal action has not been resolved at the time the criminal records check is performed.	292 293 294 295
(c) The bureau cannot reasonably determine whether a criminal action resulting from the arrest is pending, and not more than one year has elapsed since the date of the arrest.	296 297 298
(4) A rule adopted under division (E) (1) of this section may provide for the release of information gathered pursuant to division (A) of this section that relates to an adjudication of a child as a delinquent child if not more than five years have elapsed since the date of the adjudication, the adjudication was for an act that would have been a felony if committed by an adult, the records of the adjudication have not been sealed or expunged pursuant to sections 2151.355 to 2151.358 of the Revised Code, and the request for information is made under division (F) of this section or under section 109.572 of the Revised Code. In the case of an adjudication for a violation of the terms of community control or supervised release, the five-year period shall be calculated from the date of the adjudication to which the community control or supervised release pertains.	299 300 301 302 303 304 305 306 307 308 309 310 311 312 313
(F) (1) As used in division (F) (2) of this section, "head start agency" means an entity in this state that has been approved to be an agency for purposes of subchapter II of the "Community Economic Development Act," 95 Stat. 489 (1981), 42 U.S.C.A. 9831, as amended.	314 315 316 317 318

(2) (a) In addition to or in conjunction with any request 319  
that is required to be made under section 109.572, 2151.86, 320  
3301.32, 3301.541, division (C) of section 3310.58, or section 321  
3319.39, 3319.391, 3327.10, 3701.881, 5104.013, 5123.081, or 322  
5153.111 of the Revised Code or that is made under section 323  
3314.41, 3319.392, 3326.25, or 3328.20 of the Revised Code, the 324  
board of education of any school district; the director of 325  
developmental disabilities; any county board of developmental 326  
disabilities; any provider or subcontractor as defined in 327  
section 5123.081 of the Revised Code; the chief administrator of 328  
any chartered nonpublic school; the chief administrator of a 329  
registered private provider that is not also a chartered 330  
nonpublic school; the chief administrator of any home health 331  
agency; the chief administrator of or person operating any child 332  
day-care center, type A family day-care home, or type B family 333  
day-care home licensed under Chapter 5104. of the Revised Code; 334  
the chief administrator of any head start agency; the executive 335  
director of a public children services agency; a private company 336  
described in section 3314.41, 3319.392, 3326.25, or 3328.20 of 337  
the Revised Code; or an employer described in division (J) (2) of 338  
section 3327.10 of the Revised Code may request that the 339  
superintendent of the bureau investigate and determine, with 340  
respect to any individual who has applied for employment in any 341  
position after October 2, 1989, or any individual wishing to 342  
apply for employment with a board of education may request, with 343  
regard to the individual, whether the bureau has any information 344  
gathered under division (A) of this section that pertains to 345  
that individual. On receipt of the request, subject to division 346  
(E) (2) of this section, the superintendent shall determine 347  
whether that information exists and, upon request of the person, 348  
board, or entity requesting information, also shall request from 349  
the federal bureau of investigation any criminal records it has 350

pertaining to that individual. The superintendent or the 351  
superintendent's designee also may request criminal history 352  
records from other states or the federal government pursuant to 353  
the national crime prevention and privacy compact set forth in 354  
section 109.571 of the Revised Code. Within thirty days of the 355  
date that the superintendent receives a request, subject to 356  
division (E) (2) of this section, the superintendent shall send 357  
to the board, entity, or person a report of any information that 358  
the superintendent determines exists, including information 359  
contained in records that have been sealed under section 2953.32 360  
of the Revised Code, and, within thirty days of its receipt, 361  
subject to division (E) (2) of this section, shall send the 362  
board, entity, or person a report of any information received 363  
from the federal bureau of investigation, other than information 364  
the dissemination of which is prohibited by federal law. 365

(b) When a board of education or a registered private 366  
provider is required to receive information under this section 367  
as a prerequisite to employment of an individual pursuant to 368  
division (C) of section 3310.58 or section 3319.39 of the 369  
Revised Code, it may accept a certified copy of records that 370  
were issued by the bureau of criminal identification and 371  
investigation and that are presented by an individual applying 372  
for employment with the district in lieu of requesting that 373  
information itself. In such a case, the board shall accept the 374  
certified copy issued by the bureau in order to make a photocopy 375  
of it for that individual's employment application documents and 376  
shall return the certified copy to the individual. In a case of 377  
that nature, a district or provider only shall accept a 378  
certified copy of records of that nature within one year after 379  
the date of their issuance by the bureau. 380

(c) Notwithstanding division (F) (2) (a) of this section, in 381

the case of a request under section 3319.39, 3319.391, or 382  
3327.10 of the Revised Code only for criminal records maintained 383  
by the federal bureau of investigation, the superintendent shall 384  
not determine whether any information gathered under division 385  
(A) of this section exists on the person for whom the request is 386  
made. 387

(3) The state board of education may request, with respect 388  
to any individual who has applied for employment after October 389  
2, 1989, in any position with the state board or the department 390  
of education, any information that a school district board of 391  
education is authorized to request under division (F) (2) of this 392  
section, and the superintendent of the bureau shall proceed as 393  
if the request has been received from a school district board of 394  
education under division (F) (2) of this section. 395

(4) When the superintendent of the bureau receives a 396  
request for information under section 3319.291 of the Revised 397  
Code, the superintendent shall proceed as if the request has 398  
been received from a school district board of education and 399  
shall comply with divisions (F) (2) (a) and (c) of this section. 400

(G) In addition to or in conjunction with any request that 401  
is required to be made under section 3701.881, 3712.09, or 402  
3721.121 of the Revised Code with respect to an individual who 403  
has applied for employment in a position that involves providing 404  
direct care to an older adult or adult resident, the chief 405  
administrator of a home health agency, hospice care program, 406  
home licensed under Chapter 3721. of the Revised Code, or adult 407  
day-care program operated pursuant to rules adopted under 408  
section 3721.04 of the Revised Code may request that the 409  
superintendent of the bureau investigate and determine, with 410  
respect to any individual who has applied after January 27, 411

1997, for employment in a position that does not involve 412  
providing direct care to an older adult or adult resident, 413  
whether the bureau has any information gathered under division 414  
(A) of this section that pertains to that individual. 415

In addition to or in conjunction with any request that is 416  
required to be made under section 173.27 of the Revised Code 417  
with respect to an individual who has applied for employment in 418  
a position that involves providing ombudsman services to 419  
residents of long-term care facilities or recipients of 420  
community-based long-term care services, the state long-term 421  
care ombudsman, the director of aging, a regional long-term care 422  
ombudsman program, or the designee of the ombudsman, director, 423  
or program may request that the superintendent investigate and 424  
determine, with respect to any individual who has applied for 425  
employment in a position that does not involve providing such 426  
ombudsman services, whether the bureau has any information 427  
gathered under division (A) of this section that pertains to 428  
that applicant. 429

In addition to or in conjunction with any request that is 430  
required to be made under section 173.38 of the Revised Code 431  
with respect to an individual who has applied for employment in 432  
a direct-care position, the chief administrator of a provider, 433  
as defined in section 173.39 of the Revised Code, may request 434  
that the superintendent investigate and determine, with respect 435  
to any individual who has applied for employment in a position 436  
that is not a direct-care position, whether the bureau has any 437  
information gathered under division (A) of this section that 438  
pertains to that applicant. 439

In addition to or in conjunction with any request that is 440  
required to be made under section 3712.09 of the Revised Code 441

with respect to an individual who has applied for employment in 442  
a position that involves providing direct care to a pediatric 443  
respite care patient, the chief administrator of a pediatric 444  
respite care program may request that the superintendent of the 445  
bureau investigate and determine, with respect to any individual 446  
who has applied for employment in a position that does not 447  
involve providing direct care to a pediatric respite care 448  
patient, whether the bureau has any information gathered under 449  
division (A) of this section that pertains to that individual. 450

On receipt of a request under this division, the 451  
superintendent shall determine whether that information exists 452  
and, on request of the individual requesting information, shall 453  
also request from the federal bureau of investigation any 454  
criminal records it has pertaining to the applicant. The 455  
superintendent or the superintendent's designee also may request 456  
criminal history records from other states or the federal 457  
government pursuant to the national crime prevention and privacy 458  
compact set forth in section 109.571 of the Revised Code. Within 459  
thirty days of the date a request is received, subject to 460  
division (E)(2) of this section, the superintendent shall send 461  
to the requester a report of any information determined to 462  
exist, including information contained in records that have been 463  
sealed under section 2953.32 of the Revised Code, and, within 464  
thirty days of its receipt, shall send the requester a report of 465  
any information received from the federal bureau of 466  
investigation, other than information the dissemination of which 467  
is prohibited by federal law. 468

(H) Information obtained by a government entity or person 469  
under this section is confidential and shall not be released or 470  
disseminated. 471

(I) The superintendent may charge a reasonable fee for 472  
providing information or criminal records under division (F) (2) 473  
or (G) of this section. 474

(J) (1) The superintendent shall develop and prepare 475  
instructions and informational brochures, standard petitions, 476  
and extreme risk protection order forms, and a court staff 477  
handbook on the extreme risk protection order process. The 478  
standard petitions and order forms shall be prepared and 479  
available for use not later than six months after the effective 480  
date of this amendment, for all petitions filed and orders 481  
issued under sections 2923.26 to 2923.30 of the Revised Code. 482  
The instructions, brochures, forms, and handbook shall be 483  
prepared in consultation with interested parties, including 484  
representatives of gun violence prevention groups, judges, and 485  
law enforcement personnel. Materials shall be based on best 486  
practices and shall be made available online to the public. The 487  
petitions and petition forms referred to in divisions (J) (1) to 488  
(11) of this section mean both petitions for requesting an 489  
extreme risk protection order under section 2923.26 of the 490  
Revised Code and applications for requesting an ex parte extreme 491  
risk protection order under section 2923.27 of the Revised Code. 492

(2) The instructions shall be designed to assist 493  
petitioners in completing the petition, and shall include a 494  
sample of a standard petition and an extreme risk protection 495  
order form. 496

(3) The instructions and standard petition shall include a 497  
means for the petitioner to identify, without special knowledge, 498  
the firearms the respondent may own, possess, receive, or have 499  
in the respondent's custody or control. The instructions shall 500  
provide pictures of types of firearms that the petitioner may 501

choose from to identify the relevant firearms, or an equivalent 502  
means to allow petitioners to identify firearms without 503  
requiring specific or technical knowledge regarding the 504  
firearms. 505

(4) The informational brochure shall describe the use of 506  
and the process for obtaining, modifying, and terminating an 507  
extreme risk protection order under sections 2923.26 to 2923.30 508  
of the Revised Code and provide relevant forms. 509

(5) The extreme risk protection order form shall include, 510  
in a conspicuous location, notice of criminal penalties 511  
resulting from a violation of the order, and the following 512  
statement: 513

"You have the sole responsibility to avoid or refrain from 514  
violating this order's provisions. Only the court can change the 515  
order and only upon written application." 516

(6) The court staff handbook shall allow for a clerk of 517  
court to add to the handbook a community resource list. 518

(7) The superintendent shall distribute a master copy of 519  
the petition and order forms, instructions, and informational 520  
brochures to every clerk of court and shall distribute a master 521  
copy of the petition and order forms to all county courts, 522  
municipal courts, and courts of common pleas. 523

(8) The superintendent shall distribute all documents in 524  
an electronic format or formats accessible to all courts and 525  
clerks of court in the state and may additionally distribute the 526  
documents in other formats. 527

(9) The superintendent shall determine the significant 528  
non-English-speaking or limited English-speaking populations in 529  
the state and arrange for translation of the instructions and 530

informational brochures required by this section into the 531  
languages spoken by those populations. The translated 532  
instructions and informational brochures shall contain a sample 533  
of the standard petition and order for protection forms. The 534  
superintendent shall distribute a master copy of the translated 535  
instructions and informational brochures to every clerk of court 536  
not later than one year after the effective date of this 537  
amendment. 538

(10) The superintendent shall update the instructions, 539  
brochures, standard petitions and extreme risk protection order 540  
forms, and court staff handbook as necessary, including when 541  
changes in the law make an update necessary. 542

(11) Any assistance or information provided by a clerk of 543  
court under division (J) of this section does not constitute the 544  
practice of law. 545

(K) In addition to informational brochures and materials 546  
made available by the superintendent under division (J) of this 547  
section, each clerk of court may create a community resource 548  
list of crisis intervention, mental health, substance abuse, 549  
interpreter, counseling, and other relevant resources serving 550  
the county in which the court is located. 551

(L) As used in this section: 552

(1) "Pediatric respite care program" and "pediatric care 553  
patient" have the same meanings as in section 3712.01 of the 554  
Revised Code. 555

(2) "Sexually oriented offense" and "child-victim oriented 556  
offense" have the same meanings as in section 2950.01 of the 557  
Revised Code. 558

(3) "Registered private provider" means a nonpublic school 559

or entity registered with the superintendent of public 560  
instruction under section 3310.41 of the Revised Code to 561  
participate in the autism scholarship program or section 3310.58 562  
of the Revised Code to participate in the Jon Peterson special 563  
needs scholarship program. 564

(4) "Extreme risk protection order" and "ex parte extreme 565  
risk protection order" have the same meanings as in section 566  
2923.26 of the Revised Code. 567

**Sec. 2923.125.** It is the intent of the general assembly 568  
that Ohio concealed handgun license law be compliant with the 569  
national instant criminal background check system, that the 570  
bureau of alcohol, tobacco, firearms, and explosives is able to 571  
determine that Ohio law is compliant with the national instant 572  
criminal background check system, and that no person shall be 573  
eligible to receive a concealed handgun license permit under 574  
section 2923.125 or 2923.1213 of the Revised Code unless the 575  
person is eligible lawfully to receive or possess a firearm in 576  
the United States. 577

(A) This section applies with respect to the application 578  
for and issuance by this state of concealed handgun licenses 579  
other than concealed handgun licenses on a temporary emergency 580  
basis that are issued under section 2923.1213 of the Revised 581  
Code. Upon the request of a person who wishes to obtain a 582  
concealed handgun license with respect to which this section 583  
applies or to renew a concealed handgun license with respect to 584  
which this section applies, a sheriff, as provided in division 585  
(I) of this section, shall provide to the person free of charge 586  
an application form and the web site address at which a 587  
printable version of the application form that can be downloaded 588  
and the pamphlet described in division (B) of section 109.731 of 589

the Revised Code may be found. A sheriff shall accept a 590  
completed application form and the fee, items, materials, and 591  
information specified in divisions (B) (1) to (5) of this section 592  
at the times and in the manners described in division (I) of 593  
this section. 594

(B) An applicant for a concealed handgun license who is a 595  
resident of this state shall submit a completed application form 596  
and all of the material and information described in divisions 597  
(B) (1) to (6) of this section to the sheriff of the county in 598  
which the applicant resides or to the sheriff of any county 599  
adjacent to the county in which the applicant resides. An 600  
applicant for a license who resides in another state shall 601  
submit a completed application form and all of the material and 602  
information described in divisions (B) (1) to (7) of this section 603  
to the sheriff of the county in which the applicant is employed 604  
or to the sheriff of any county adjacent to the county in which 605  
the applicant is employed: 606

(1) (a) A nonrefundable license fee as described in either 607  
of the following: 608

(i) For an applicant who has been a resident of this state 609  
for five or more years, a fee of sixty-seven dollars; 610

(ii) For an applicant who has been a resident of this 611  
state for less than five years or who is not a resident of this 612  
state, but who is employed in this state, a fee of sixty-seven 613  
dollars plus the actual cost of having a background check 614  
performed by the federal bureau of investigation. 615

(b) No sheriff shall require an applicant to pay for the 616  
cost of a background check performed by the bureau of criminal 617  
identification and investigation. 618

(c) A sheriff shall waive the payment of the license fee 619  
described in division (B) (1) (a) of this section in connection 620  
with an initial or renewal application for a license that is 621  
submitted by an applicant who is an active or reserve member of 622  
the armed forces of the United States or has retired from or was 623  
honorably discharged from military service in the active or 624  
reserve armed forces of the United States, a retired peace 625  
officer, a retired person described in division (B) (1) (b) of 626  
section 109.77 of the Revised Code, or a retired federal law 627  
enforcement officer who, prior to retirement, was authorized 628  
under federal law to carry a firearm in the course of duty, 629  
unless the retired peace officer, person, or federal law 630  
enforcement officer retired as the result of a mental 631  
disability. 632

(d) The sheriff shall deposit all fees paid by an 633  
applicant under division (B) (1) (a) of this section into the 634  
sheriff's concealed handgun license issuance fund established 635  
pursuant to section 311.42 of the Revised Code. The county shall 636  
distribute the fees in accordance with section 311.42 of the 637  
Revised Code. 638

(2) A color photograph of the applicant that was taken 639  
within thirty days prior to the date of the application; 640

(3) One or more of the following competency 641  
certifications, each of which shall reflect that, regarding a 642  
certification described in division (B) (3) (a), (b), (c), (e), or 643  
(f) of this section, within the three years immediately 644  
preceding the application the applicant has performed that to 645  
which the competency certification relates and that, regarding a 646  
certification described in division (B) (3) (d) of this section, 647  
the applicant currently is an active or reserve member of the 648

armed forces of the United States, the applicant has retired 649  
from or was honorably discharged from military service in the 650  
active or reserve armed forces of the United States, or within 651  
the ten years immediately preceding the application the 652  
retirement of the peace officer, person described in division 653  
(B) (1) (b) of section 109.77 of the Revised Code, or federal law 654  
enforcement officer to which the competency certification 655  
relates occurred: 656

(a) An original or photocopy of a certificate of 657  
completion of a firearms safety, training, or requalification or 658  
firearms safety instructor course, class, or program that was 659  
offered by or under the auspices of a national gun advocacy 660  
organization and that complies with the requirements set forth 661  
in division (G) of this section; 662

(b) An original or photocopy of a certificate of 663  
completion of a firearms safety, training, or requalification or 664  
firearms safety instructor course, class, or program that 665  
satisfies all of the following criteria: 666

(i) It was open to members of the general public. 667

(ii) It utilized qualified instructors who were certified 668  
by a national gun advocacy organization, the executive director 669  
of the Ohio peace officer training commission pursuant to 670  
section 109.75 or 109.78 of the Revised Code, or a governmental 671  
official or entity of another state. 672

(iii) It was offered by or under the auspices of a law 673  
enforcement agency of this or another state or the United 674  
States, a public or private college, university, or other 675  
similar postsecondary educational institution located in this or 676  
another state, a firearms training school located in this or 677

another state, or another type of public or private entity or 678  
organization located in this or another state. 679

(iv) It complies with the requirements set forth in 680  
division (G) of this section. 681

(c) An original or photocopy of a certificate of 682  
completion of a state, county, municipal, or department of 683  
natural resources peace officer training school that is approved 684  
by the executive director of the Ohio peace officer training 685  
commission pursuant to section 109.75 of the Revised Code and 686  
that complies with the requirements set forth in division (G) of 687  
this section, or the applicant has satisfactorily completed and 688  
been issued a certificate of completion of a basic firearms 689  
training program, a firearms requalification training program, 690  
or another basic training program described in section 109.78 or 691  
109.801 of the Revised Code that complies with the requirements 692  
set forth in division (G) of this section; 693

(d) A document that evidences both of the following: 694

(i) That the applicant is an active or reserve member of 695  
the armed forces of the United States, has retired from or was 696  
honorably discharged from military service in the active or 697  
reserve armed forces of the United States, is a retired trooper 698  
of the state highway patrol, or is a retired peace officer or 699  
federal law enforcement officer described in division (B) (1) of 700  
this section or a retired person described in division (B) (1) (b) 701  
of section 109.77 of the Revised Code and division (B) (1) of 702  
this section; 703

(ii) That, through participation in the military service 704  
or through the former employment described in division (B) (3) (d) 705  
(i) of this section, the applicant acquired experience with 706

handling handguns or other firearms, and the experience so 707  
acquired was equivalent to training that the applicant could 708  
have acquired in a course, class, or program described in 709  
division (B) (3) (a), (b), or (c) of this section. 710

(e) A certificate or another similar document that 711  
evidences satisfactory completion of a firearms training, 712  
safety, or requalification or firearms safety instructor course, 713  
class, or program that is not otherwise described in division 714  
(B) (3) (a), (b), (c), or (d) of this section, that was conducted 715  
by an instructor who was certified by an official or entity of 716  
the government of this or another state or the United States or 717  
by a national gun advocacy organization, and that complies with 718  
the requirements set forth in division (G) of this section; 719

(f) An affidavit that attests to the applicant's 720  
satisfactory completion of a course, class, or program described 721  
in division (B) (3) (a), (b), (c), or (e) of this section and that 722  
is subscribed by the applicant's instructor or an authorized 723  
representative of the entity that offered the course, class, or 724  
program or under whose auspices the course, class, or program 725  
was offered; 726

(g) A document that evidences that the applicant has 727  
successfully completed the Ohio peace officer training program 728  
described in section 109.79 of the Revised Code. 729

(4) A certification by the applicant that the applicant 730  
has read the pamphlet prepared by the Ohio peace officer 731  
training commission pursuant to section 109.731 of the Revised 732  
Code that reviews firearms, dispute resolution, and use of 733  
deadly force matters. 734

(5) A set of fingerprints of the applicant provided as 735

described in section 311.41 of the Revised Code through use of 736  
an electronic fingerprint reading device or, if the sheriff to 737  
whom the application is submitted does not possess and does not 738  
have ready access to the use of such a reading device, on a 739  
standard impression sheet prescribed pursuant to division (C) (2) 740  
of section 109.572 of the Revised Code. 741

(6) If the applicant is not a citizen or national of the 742  
United States, the name of the applicant's country of 743  
citizenship and the applicant's alien registration number issued 744  
by the United States citizenship and immigration services 745  
agency. 746

(7) If the applicant resides in another state, adequate 747  
proof of employment in Ohio. 748

(C) Upon receipt of the completed application form, 749  
supporting documentation, and, if not waived, license fee of an 750  
applicant under this section, a sheriff, in the manner specified 751  
in section 311.41 of the Revised Code, shall conduct or cause to 752  
be conducted the criminal records check and the incompetency 753  
records check described in section 311.41 of the Revised Code. 754

(D) (1) Except as provided in division (D) (3) of this 755  
section, within forty-five days after a sheriff's receipt of an 756  
applicant's completed application form for a concealed handgun 757  
license under this section, the supporting documentation, and, 758  
if not waived, the license fee, the sheriff shall make available 759  
through the law enforcement automated data system in accordance 760  
with division (H) of this section the information described in 761  
that division and, upon making the information available through 762  
the system, shall issue to the applicant a concealed handgun 763  
license that shall expire as described in division (D) (2) (a) of 764  
this section if all of the following apply: 765

(a) The applicant is legally living in the United States. 766  
For purposes of division (D) (1) (a) of this section, if a person 767  
is absent from the United States in compliance with military or 768  
naval orders as an active or reserve member of the armed forces 769  
of the United States and if prior to leaving the United States 770  
the person was legally living in the United States, the person, 771  
solely by reason of that absence, shall not be considered to 772  
have lost the person's status as living in the United States. 773

(b) The applicant is at least twenty-one years of age. 774

(c) The applicant is not a fugitive from justice. 775

(d) The applicant is not under indictment for or otherwise 776  
charged with a felony; an offense under Chapter 2925., 3719., or 777  
4729. of the Revised Code that involves the illegal possession, 778  
use, sale, administration, or distribution of or trafficking in 779  
a drug of abuse; a misdemeanor offense of violence; or a 780  
violation of section 2903.14 or 2923.1211 of the Revised Code. 781

(e) Except as otherwise provided in division (D) (4) or (5) 782  
of this section, the applicant has not been convicted of or 783  
pleaded guilty to a felony or an offense under Chapter 2925., 784  
3719., or 4729. of the Revised Code that involves the illegal 785  
possession, use, sale, administration, or distribution of or 786  
trafficking in a drug of abuse; has not been adjudicated a 787  
delinquent child for committing an act that if committed by an 788  
adult would be a felony or would be an offense under Chapter 789  
2925., 3719., or 4729. of the Revised Code that involves the 790  
illegal possession, use, sale, administration, or distribution 791  
of or trafficking in a drug of abuse; has not been convicted of, 792  
pleaded guilty to, or adjudicated a delinquent child for 793  
committing a violation of section 2903.13 of the Revised Code 794  
when the victim of the violation is a peace officer, regardless 795

of whether the applicant was sentenced under division (C) (4) of 796  
that section; and has not been convicted of, pleaded guilty to, 797  
or adjudicated a delinquent child for committing any other 798  
offense that is not previously described in this division that 799  
is a misdemeanor punishable by imprisonment for a term exceeding 800  
one year. 801

(f) Except as otherwise provided in division (D) (4) or (5) 802  
of this section, the applicant, within three years of the date 803  
of the application, has not been convicted of or pleaded guilty 804  
to a misdemeanor offense of violence other than a misdemeanor 805  
violation of section 2921.33 of the Revised Code or a violation 806  
of section 2903.13 of the Revised Code when the victim of the 807  
violation is a peace officer, or a misdemeanor violation of 808  
section 2923.1211 of the Revised Code; and has not been 809  
adjudicated a delinquent child for committing an act that if 810  
committed by an adult would be a misdemeanor offense of violence 811  
other than a misdemeanor violation of section 2921.33 of the 812  
Revised Code or a violation of section 2903.13 of the Revised 813  
Code when the victim of the violation is a peace officer or for 814  
committing an act that if committed by an adult would be a 815  
misdemeanor violation of section 2923.1211 of the Revised Code. 816

(g) Except as otherwise provided in division (D) (1) (e) of 817  
this section, the applicant, within five years of the date of 818  
the application, has not been convicted of, pleaded guilty to, 819  
or adjudicated a delinquent child for committing two or more 820  
violations of section 2903.13 or 2903.14 of the Revised Code. 821

(h) Except as otherwise provided in division (D) (4) or (5) 822  
of this section, the applicant, within ten years of the date of 823  
the application, has not been convicted of, pleaded guilty to, 824  
or adjudicated a delinquent child for committing a violation of 825

section 2921.33 of the Revised Code. 826

(i) The applicant has not been adjudicated as a mental 827  
defective, has not been committed to any mental institution, is 828  
not under adjudication of mental incompetence, has not been 829  
found by a court to be a mentally ill person subject to court 830  
order, and is not an involuntary patient other than one who is a 831  
patient only for purposes of observation. As used in this 832  
division, "mentally ill person subject to court order" and 833  
"patient" have the same meanings as in section 5122.01 of the 834  
Revised Code. 835

(j) The applicant is not currently subject to a civil 836  
protection order, a temporary protection order, an extreme risk 837  
protection order or ex parte extreme risk protection order 838  
issued under sections 2923.26 to 2923.30 of the Revised Code, or 839  
a protection order issued by a court of another state. 840

(k) The applicant certifies that the applicant desires a 841  
legal means to carry a concealed handgun for defense of the 842  
applicant or a member of the applicant's family while engaged in 843  
lawful activity. 844

(l) The applicant submits a competency certification of 845  
the type described in division (B) (3) of this section and 846  
submits a certification of the type described in division (B) (4) 847  
of this section regarding the applicant's reading of the 848  
pamphlet prepared by the Ohio peace officer training commission 849  
pursuant to section 109.731 of the Revised Code. 850

(m) The applicant currently is not subject to a suspension 851  
imposed under division (A) (2) of section 2923.128 of the Revised 852  
Code of a concealed handgun license that previously was issued 853  
to the applicant under this section or section 2923.1213 of the 854

Revised Code or a similar suspension imposed by another state 855  
regarding a concealed handgun license issued by that state. 856

(n) If the applicant resides in another state, the 857  
applicant is employed in this state. 858

(o) The applicant certifies that the applicant is not an 859  
unlawful user of or addicted to any controlled substance as 860  
defined in 21 U.S.C. 802. 861

(p) If the applicant is not a United States citizen, the 862  
applicant is an alien and has not been admitted to the United 863  
States under a nonimmigrant visa, as defined in the "Immigration 864  
and Nationality Act," 8 U.S.C. 1101(a) (26) . 865

(q) The applicant has not been discharged from the armed 866  
forces of the United States under dishonorable conditions. 867

(r) The applicant certifies that the applicant has not 868  
renounced the applicant's United States citizenship, if 869  
applicable. 870

(s) The applicant has not been convicted of, pleaded 871  
guilty to, or adjudicated a delinquent child for committing a 872  
violation of section 2919.25 of the Revised Code or a similar 873  
violation in another state. 874

(2) (a) A concealed handgun license that a sheriff issues 875  
under division (D) (1) of this section shall expire five years 876  
after the date of issuance. 877

If a sheriff issues a license under this section, the 878  
sheriff shall place on the license a unique combination of 879  
letters and numbers identifying the license in accordance with 880  
the procedure prescribed by the Ohio peace officer training 881  
commission pursuant to section 109.731 of the Revised Code. 882

(b) If a sheriff denies an application under this section 883  
because the applicant does not satisfy the criteria described in 884  
division (D)(1) of this section, the sheriff shall specify the 885  
grounds for the denial in a written notice to the applicant. The 886  
applicant may appeal the denial pursuant to section 119.12 of 887  
the Revised Code in the county served by the sheriff who denied 888  
the application. If the denial was as a result of the criminal 889  
records check conducted pursuant to section 311.41 of the 890  
Revised Code and if, pursuant to section 2923.127 of the Revised 891  
Code, the applicant challenges the criminal records check 892  
results using the appropriate challenge and review procedure 893  
specified in that section, the time for filing the appeal 894  
pursuant to section 119.12 of the Revised Code and this division 895  
is tolled during the pendency of the request or the challenge 896  
and review. 897

(c) If the court in an appeal under section 119.12 of the 898  
Revised Code and division (D)(2)(b) of this section enters a 899  
judgment sustaining the sheriff's refusal to grant to the 900  
applicant a concealed handgun license, the applicant may file a 901  
new application beginning one year after the judgment is 902  
entered. If the court enters a judgment in favor of the 903  
applicant, that judgment shall not restrict the authority of a 904  
sheriff to suspend or revoke the license pursuant to section 905  
2923.128 or 2923.1213 of the Revised Code or to refuse to renew 906  
the license for any proper cause that may occur after the date 907  
the judgment is entered. In the appeal, the court shall have 908  
full power to dispose of all costs. 909

(3) If the sheriff with whom an application for a 910  
concealed handgun license was filed under this section becomes 911  
aware that the applicant has been arrested for or otherwise 912  
charged with an offense that would disqualify the applicant from 913

holding the license, the sheriff shall suspend the processing of 914  
the application until the disposition of the case arising from 915  
the arrest or charge. 916

(4) If an applicant has been convicted of or pleaded 917  
guilty to an offense identified in division (D)(1)(e), (f), or 918  
(h) of this section or has been adjudicated a delinquent child 919  
for committing an act or violation identified in any of those 920  
divisions, and if a court has ordered the sealing or expungement 921  
of the records of that conviction, guilty plea, or adjudication 922  
pursuant to sections 2151.355 to 2151.358, sections 2953.31 to 923  
2953.36, or section 2953.37 of the Revised Code or the applicant 924  
has been relieved under operation of law or legal process from 925  
the disability imposed pursuant to section 2923.13 of the 926  
Revised Code relative to that conviction, guilty plea, or 927  
adjudication, the sheriff with whom the application was 928  
submitted shall not consider the conviction, guilty plea, or 929  
adjudication in making a determination under division (D)(1) or 930  
(F) of this section or, in relation to an application for a 931  
concealed handgun license on a temporary emergency basis 932  
submitted under section 2923.1213 of the Revised Code, in making 933  
a determination under division (B)(2) of that section. 934

(5) If an applicant has been convicted of or pleaded 935  
guilty to a minor misdemeanor offense or has been adjudicated a 936  
delinquent child for committing an act or violation that is a 937  
minor misdemeanor offense, the sheriff with whom the application 938  
was submitted shall not consider the conviction, guilty plea, or 939  
adjudication in making a determination under division (D)(1) or 940  
(F) of this section or, in relation to an application for a 941  
concealed handgun license on a temporary basis submitted under 942  
section 2923.1213 of the Revised Code, in making a determination 943  
under division (B)(2) of that section. 944

(E) If a concealed handgun license issued under this 945  
section is lost or is destroyed, the licensee may obtain from 946  
the sheriff who issued that license a duplicate license upon the 947  
payment of a fee of fifteen dollars and the submission of an 948  
affidavit attesting to the loss or destruction of the license. 949  
The sheriff, in accordance with the procedures prescribed in 950  
section 109.731 of the Revised Code, shall place on the 951  
replacement license a combination of identifying numbers 952  
different from the combination on the license that is being 953  
replaced. 954

(F) (1) (a) Except as provided in division (F) (1) (b) of this 955  
section, a licensee who wishes to renew a concealed handgun 956  
license issued under this section may do so at any time before 957  
the expiration date of the license or at any time after the 958  
expiration date of the license by filing with the sheriff of the 959  
county in which the applicant resides or with the sheriff of an 960  
adjacent county, or in the case of an applicant who resides in 961  
another state with the sheriff of the county that issued the 962  
applicant's previous concealed handgun license an application 963  
for renewal of the license obtained pursuant to division (D) of 964  
this section, a certification by the applicant that, subsequent 965  
to the issuance of the license, the applicant has reread the 966  
pamphlet prepared by the Ohio peace officer training commission 967  
pursuant to section 109.731 of the Revised Code that reviews 968  
firearms, dispute resolution, and use of deadly force matters, 969  
and a nonrefundable license renewal fee in an amount determined 970  
pursuant to division (F) (4) of this section unless the fee is 971  
waived. 972

(b) A person on active duty in the armed forces of the 973  
United States or in service with the peace corps, volunteers in 974  
service to America, or the foreign service of the United States 975

is exempt from the license requirements of this section for the 976  
period of the person's active duty or service and for six months 977  
thereafter, provided the person was a licensee under this 978  
section at the time the person commenced the person's active 979  
duty or service or had obtained a license while on active duty 980  
or service. The spouse or a dependent of any such person on 981  
active duty or in service also is exempt from the license 982  
requirements of this section for the period of the person's 983  
active duty or service and for six months thereafter, provided 984  
the spouse or dependent was a licensee under this section at the 985  
time the person commenced the active duty or service or had 986  
obtained a license while the person was on active duty or 987  
service, and provided further that the person's active duty or 988  
service resulted in the spouse or dependent relocating outside 989  
of this state during the period of the active duty or service. 990  
This division does not prevent such a person or the person's 991  
spouse or dependent from making an application for the renewal 992  
of a concealed handgun license during the period of the person's 993  
active duty or service. 994

(2) A sheriff shall accept a completed renewal 995  
application, the license renewal fee, and the information 996  
specified in division (F)(1) of this section at the times and in 997  
the manners described in division (I) of this section. Upon 998  
receipt of a completed renewal application, of certification 999  
that the applicant has reread the specified pamphlet prepared by 1000  
the Ohio peace officer training commission, and of a license 1001  
renewal fee unless the fee is waived, a sheriff, in the manner 1002  
specified in section 311.41 of the Revised Code shall conduct or 1003  
cause to be conducted the criminal records check and the 1004  
incompetency records check described in section 311.41 of the 1005  
Revised Code. The sheriff shall renew the license if the sheriff 1006

determines that the applicant continues to satisfy the 1007  
requirements described in division (D) (1) of this section, 1008  
except that the applicant is not required to meet the 1009  
requirements of division (D) (1) (1) of this section. A renewed 1010  
license shall expire five years after the date of issuance. A 1011  
renewed license is subject to division (E) of this section and 1012  
sections 2923.126 and 2923.128 of the Revised Code. A sheriff 1013  
shall comply with divisions (D) (2) and (3) of this section when 1014  
the circumstances described in those divisions apply to a 1015  
requested license renewal. If a sheriff denies the renewal of a 1016  
concealed handgun license, the applicant may appeal the denial, 1017  
or challenge the criminal record check results that were the 1018  
basis of the denial if applicable, in the same manner as 1019  
specified in division (D) (2) (b) of this section and in section 1020  
2923.127 of the Revised Code, regarding the denial of a license 1021  
under this section. 1022

(3) A renewal application submitted pursuant to division 1023  
(F) of this section shall only require the licensee to list on 1024  
the application form information and matters occurring since the 1025  
date of the licensee's last application for a license pursuant 1026  
to division (B) or (F) of this section. A sheriff conducting the 1027  
criminal records check and the incompetency records check 1028  
described in section 311.41 of the Revised Code shall conduct 1029  
the check only from the date of the licensee's last application 1030  
for a license pursuant to division (B) or (F) of this section 1031  
through the date of the renewal application submitted pursuant 1032  
to division (F) of this section. 1033

(4) An applicant for a renewal concealed handgun license 1034  
under this section shall submit to the sheriff of the county in 1035  
which the applicant resides or to the sheriff of any county 1036  
adjacent to the county in which the applicant resides, or in the 1037

case of an applicant who resides in another state to the sheriff 1038  
of the county that issued the applicant's previous concealed 1039  
handgun license, a nonrefundable license fee as described in 1040  
either of the following: 1041

(a) For an applicant who has been a resident of this state 1042  
for five or more years, a fee of fifty dollars; 1043

(b) For an applicant who has been a resident of this state 1044  
for less than five years or who is not a resident of this state 1045  
but who is employed in this state, a fee of fifty dollars plus 1046  
the actual cost of having a background check performed by the 1047  
federal bureau of investigation. 1048

(5) The concealed handgun license of a licensee who is no 1049  
longer a resident of this state or no longer employed in this 1050  
state, as applicable, is valid until the date of expiration on 1051  
the license, and the licensee is prohibited from renewing the 1052  
concealed handgun license. 1053

(G) (1) Each course, class, or program described in 1054  
division (B) (3) (a), (b), (c), or (e) of this section shall 1055  
provide to each person who takes the course, class, or program 1056  
the web site address at which the pamphlet prepared by the Ohio 1057  
peace officer training commission pursuant to section 109.731 of 1058  
the Revised Code that reviews firearms, dispute resolution, and 1059  
use of deadly force matters may be found. Each such course, 1060  
class, or program described in one of those divisions shall 1061  
include at least eight hours of training in the safe handling 1062  
and use of a firearm that shall include training, provided as 1063  
described in division (G) (3) of this section, on all of the 1064  
following: 1065

(a) The ability to name, explain, and demonstrate the 1066

rules for safe handling of a handgun and proper storage 1067  
practices for handguns and ammunition; 1068

(b) The ability to demonstrate and explain how to handle 1069  
ammunition in a safe manner; 1070

(c) The ability to demonstrate the knowledge, skills, and 1071  
attitude necessary to shoot a handgun in a safe manner; 1072

(d) Gun handling training; 1073

(e) A minimum of two hours of in-person training that 1074  
consists of range time and live-fire training. 1075

(2) To satisfactorily complete the course, class, or 1076  
program described in division (B) (3) (a), (b), (c), or (e) of 1077  
this section, the applicant shall pass a competency examination 1078  
that shall include both of the following: 1079

(a) A written section, provided as described in division 1080  
(G) (3) of this section, on the ability to name and explain the 1081  
rules for the safe handling of a handgun and proper storage 1082  
practices for handguns and ammunition; 1083

(b) An in-person physical demonstration of competence in 1084  
the use of a handgun and in the rules for safe handling and 1085  
storage of a handgun and a physical demonstration of the 1086  
attitude necessary to shoot a handgun in a safe manner. 1087

(3) (a) Except as otherwise provided in this division, the 1088  
training specified in division (G) (1) (a) of this section shall 1089  
be provided to the person receiving the training in person by an 1090  
instructor. If the training specified in division (G) (1) (a) of 1091  
this section is provided by a course, class, or program 1092  
described in division (B) (3) (a) of this section, or it is 1093  
provided by a course, class, or program described in division 1094

(B) (3) (b), (c), or (e) of this section and the instructor is a 1095  
qualified instructor certified by a national gun advocacy 1096  
organization, the training so specified, other than the training 1097  
that requires the person receiving the training to demonstrate 1098  
handling abilities, may be provided online or as a combination 1099  
of in-person and online training, as long as the online training 1100  
includes an interactive component that regularly engages the 1101  
person. 1102

(b) Except as otherwise provided in this division, the 1103  
written section of the competency examination specified in 1104  
division (G) (2) (a) of this section shall be administered to the 1105  
person taking the competency examination in person by an 1106  
instructor. If the training specified in division (G) (1) (a) of 1107  
this section is provided to the person receiving the training by 1108  
a course, class, or program described in division (B) (3) (a) of 1109  
this section, or it is provided by a course, class, or program 1110  
described in division (B) (3) (b), (c), or (e) of this section and 1111  
the instructor is a qualified instructor certified by a national 1112  
gun advocacy organization, the written section of the competency 1113  
examination specified in division (G) (2) (a) of this section may 1114  
be administered online, as long as the online training includes 1115  
an interactive component that regularly engages the person. 1116

(4) The competency certification described in division (B) 1117  
(3) (a), (b), (c), or (e) of this section shall be dated and 1118  
shall attest that the course, class, or program the applicant 1119  
successfully completed met the requirements described in 1120  
division (G) (1) of this section and that the applicant passed 1121  
the competency examination described in division (G) (2) of this 1122  
section. 1123

(H) Upon deciding to issue a concealed handgun license, 1124

deciding to issue a replacement concealed handgun license, or 1125  
deciding to renew a concealed handgun license pursuant to this 1126  
section, and before actually issuing or renewing the license, 1127  
the sheriff shall make available through the law enforcement 1128  
automated data system all information contained on the license. 1129  
If the license subsequently is suspended under division (A) (1) 1130  
or (2) of section 2923.128 of the Revised Code, revoked pursuant 1131  
to division (B) (1) of section 2923.128 of the Revised Code, or 1132  
lost or destroyed, the sheriff also shall make available through 1133  
the law enforcement automated data system a notation of that 1134  
fact. The superintendent of the state highway patrol shall 1135  
ensure that the law enforcement automated data system is so 1136  
configured as to permit the transmission through the system of 1137  
the information specified in this division. 1138

(I) (1) A sheriff shall accept a completed application form 1139  
or renewal application, and the fee, items, materials, and 1140  
information specified in divisions (B) (1) to (5) or division (F) 1141  
of this section, whichever is applicable, and shall provide an 1142  
application form or renewal application to any person during at 1143  
least fifteen hours a week and shall provide the web site 1144  
address at which a printable version of the application form 1145  
that can be downloaded and the pamphlet described in division 1146  
(B) of section 109.731 of the Revised Code may be found at any 1147  
time, upon request. The sheriff shall post notice of the hours 1148  
during which the sheriff is available to accept or provide the 1149  
information described in this division. 1150

(2) A sheriff shall transmit a notice to the attorney 1151  
general, in a manner determined by the attorney general, every 1152  
time a license is issued that waived payment under division (B) 1153  
(1) (c) of this section for an applicant who is an active or 1154  
reserve member of the armed forces of the United States or has 1155

retired from or was honorably discharged from military service 1156  
in the active or reserve armed forces of the United States. The 1157  
attorney general shall monitor and inform sheriffs issuing 1158  
licenses under this section when the amount of license fee 1159  
payments waived and transmitted to the attorney general reach 1160  
one million five hundred thousand dollars each year. Once a 1161  
sheriff is informed that the payments waived reached one million 1162  
five hundred thousand dollars in any year, a sheriff shall no 1163  
longer waive payment of a license fee for an applicant who is an 1164  
active or reserve member of the armed forces of the United 1165  
States or has retired from or was honorably discharged from 1166  
military service in the active or reserve armed forces of the 1167  
United States for the remainder of that year. 1168

**Sec. 2923.128.** (A) (1) (a) If a licensee holding a valid 1169  
concealed handgun license is arrested for or otherwise charged 1170  
with an offense described in division (D) (1) (d) of section 1171  
2923.125 of the Revised Code or with a violation of section 1172  
2923.15 of the Revised Code or becomes subject to a temporary 1173  
protection order or to a protection order issued by a court of 1174  
another state that is substantially equivalent to a temporary 1175  
protection order, the sheriff who issued the license shall 1176  
suspend it and shall comply with division (A) (3) of this section 1177  
upon becoming aware of the arrest, charge, or protection order. 1178  
Upon suspending the license, the sheriff also shall comply with 1179  
division (H) of section 2923.125 of the Revised Code. 1180

(b) A suspension under division (A) (1) (a) of this section 1181  
shall be considered as beginning on the date that the licensee 1182  
is arrested for or otherwise charged with an offense described 1183  
in that division or on the date the appropriate court issued the 1184  
protection order described in that division, irrespective of 1185  
when the sheriff notifies the licensee under division (A) (3) of 1186

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

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

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

Code or of division (E) (5) of section 2923.16 of the Revised Code, it shall end on the date that is two years after the date that the licensee is convicted of or pleads guilty to that violation. If the licensee's license was issued under section 2923.125 of the Revised Code and the license remains valid after the suspension ends as described in this division, when the suspension ends, the sheriff shall return the license to the licensee. If the licensee's license was issued under section 2923.125 of the Revised Code and the license expires before the suspension ends as described in this division, or if the licensee's license was issued under section 2923.1213 of the Revised Code, the licensee is not eligible to apply for a new license under section 2923.125 or 2923.1213 of the Revised Code or to renew the license under section 2923.125 of the Revised Code until after the suspension ends as described in this division.

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

(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 1249  
respect to a licensee who was issued a concealed handgun license 1250  
and with respect to which division (A) (2) (c) of this section 1251  
does not apply, subject to division (C) of this section, the 1252  
sheriff who issued the licensee's license shall notify the 1253  
licensee, by certified mail, return receipt requested, at the 1254  
licensee's last known residence address that the license has 1255  
been suspended and that the licensee is required to surrender 1256  
the license at the sheriff's office within ten days of the date 1257  
on which the notice was mailed. If the suspension is pursuant to 1258  
division (A) (2) of this section, the notice shall identify the 1259  
date on which the suspension ends. 1260

(B) (1) A sheriff who issues a concealed handgun license to 1261  
a licensee shall revoke the license in accordance with division 1262  
(B) (2) of this section upon becoming aware that the licensee 1263  
satisfies any of the following: 1264

(a) The licensee is under twenty-one years of age. 1265

(b) Subject to division (C) of this section, at the time 1266  
of the issuance of the license, the licensee did not satisfy the 1267  
eligibility requirements of division (D) (1) (c), (d), (e), (f), 1268  
(g), or (h) of section 2923.125 of the Revised Code. 1269

(c) Subject to division (C) of this section, on or after 1270  
the date on which the license was issued, the licensee is 1271  
convicted of or pleads guilty to a violation of section 2923.15 1272  
of the Revised Code or an offense described in division (D) (1) 1273  
(e), (f), (g), or (h) of section 2923.125 of the Revised Code. 1274

(d) On or after the date on which the license was issued, 1275  
the licensee becomes subject to an extreme risk protection order 1276  
or ex parte extreme risk protection order issued under sections 1277

2923.26 to 2923.30 of the Revised Code, a civil protection order, or to a protection order issued by a court of another state that is substantially equivalent to a civil protection order. 1278  
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(e) The licensee knowingly carries a concealed handgun into a place that the licensee knows is an unauthorized place specified in division (B) of section 2923.126 of the Revised Code. 1282  
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(f) On or after the date on which the license was issued, the licensee is adjudicated as a mental defective or is committed to a mental institution. 1286  
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(g) At the time of the issuance of the license, the licensee did not meet the residency requirements described in division (D)(1) of section 2923.125 of the Revised Code and currently does not meet the residency requirements described in that division. 1289  
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(h) Regarding a license issued under section 2923.125 of the Revised Code, the competency certificate the licensee submitted was forged or otherwise was fraudulent. 1294  
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(2) Upon becoming aware of any circumstance listed in division (B)(1) of this section that applies to a particular licensee who was issued a concealed handgun license, subject to division (C) of this section, the sheriff who issued the license to the licensee shall notify the licensee, by certified mail, return receipt requested, at the licensee's last known residence address that the license is subject to revocation and that the licensee may come to the sheriff's office and contest the sheriff's proposed revocation within fourteen days of the date on which the notice was mailed. After the fourteen-day period 1297  
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and after consideration of any information that the licensee 1307  
provides during that period, if the sheriff determines on the 1308  
basis of the information of which the sheriff is aware that the 1309  
licensee is described in division (B) (1) of this section and no 1310  
longer satisfies the requirements described in division (D) (1) 1311  
of section 2923.125 of the Revised Code that are applicable to 1312  
the licensee's type of license, the sheriff shall revoke the 1313  
license, notify the licensee of that fact, and require the 1314  
licensee to surrender the license. Upon revoking the license, 1315  
the sheriff also shall comply with division (H) of section 1316  
2923.125 of the Revised Code. 1317

(C) If a sheriff who issues a concealed handgun license to 1318  
a licensee becomes aware that at the time of the issuance of the 1319  
license the licensee had been convicted of or pleaded guilty to 1320  
an offense identified in division (D) (1) (e), (f), or (h) of 1321  
section 2923.125 of the Revised Code or had been adjudicated a 1322  
delinquent child for committing an act or violation identified 1323  
in any of those divisions or becomes aware that on or after the 1324  
date on which the license was issued the licensee has been 1325  
convicted of or pleaded guilty to an offense identified in 1326  
division (A) (2) (a) or (B) (1) (c) of this section, the sheriff 1327  
shall not consider that conviction, guilty plea, or adjudication 1328  
as having occurred for purposes of divisions (A) (2), (A) (3), (B) 1329  
(1), and (B) (2) of this section if a court has ordered the 1330  
sealing or expungement of the records of that conviction, guilty 1331  
plea, or adjudication pursuant to sections 2151.355 to 2151.358 1332  
or sections 2953.31 to 2953.36 of the Revised Code or the 1333  
licensee has been relieved under operation of law or legal 1334  
process from the disability imposed pursuant to section 2923.13 1335  
of the Revised Code relative to that conviction, guilty plea, or 1336  
adjudication. 1337

(D) As used in this section, "motor carrier enforcement unit" has the same meaning as in section 2923.16 of the Revised Code. 1338  
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**Sec. 2923.1213.** (A) As used in this section: 1341

(1) "Evidence of imminent danger" means any of the following: 1342  
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(a) A statement sworn by the person seeking to carry a concealed handgun that is made under threat of perjury and that states that the person has reasonable cause to fear a criminal attack upon the person or a member of the person's family, such as would justify a prudent person in going armed; 1344  
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(b) A written document prepared by a governmental entity or public official describing the facts that give the person seeking to carry a concealed handgun reasonable cause to fear a criminal attack upon the person or a member of the person's family, such as would justify a prudent person in going armed. Written documents of this nature include, but are not limited to, any temporary protection order, civil protection order, protection order issued by another state, or other court order, any court report, and any report filed with or made by a law enforcement agency or prosecutor. 1349  
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(2) "Prosecutor" has the same meaning as in section 2935.01 of the Revised Code. 1359  
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(B) (1) A person seeking a concealed handgun license on a temporary emergency basis shall submit to the sheriff of the county in which the person resides or, if the person usually resides in another state, to the sheriff of the county in which the person is temporarily staying, all of the following: 1361  
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(a) Evidence of imminent danger to the person or a member 1366

of the person's family; 1367

(b) A sworn affidavit that contains all of the information 1368  
required to be on the license and attesting that the person is 1369  
legally living in the United States; is at least twenty-one 1370  
years of age; is not a fugitive from justice; is not under 1371  
indictment for or otherwise charged with an offense identified 1372  
in division (D) (1) (d) of section 2923.125 of the Revised Code; 1373  
has not been convicted of or pleaded guilty to an offense, and 1374  
has not been adjudicated a delinquent child for committing an 1375  
act, identified in division (D) (1) (e) of that section and to 1376  
which division (B) (3) of this section does not apply; within 1377  
three years of the date of the submission, has not been 1378  
convicted of or pleaded guilty to an offense, and has not been 1379  
adjudicated a delinquent child for committing an act, identified 1380  
in division (D) (1) (f) of that section and to which division (B) 1381  
(3) of this section does not apply; within five years of the 1382  
date of the submission, has not been convicted of, pleaded 1383  
guilty, or adjudicated a delinquent child for committing two or 1384  
more violations identified in division (D) (1) (g) of that 1385  
section; within ten years of the date of the submission, has not 1386  
been convicted of, pleaded guilty, or adjudicated a delinquent 1387  
child for committing a violation identified in division (D) (1) 1388  
(h) of that section and to which division (B) (3) of this section 1389  
does not apply; has not been adjudicated as a mental defective, 1390  
has not been committed to any mental institution, is not under 1391  
adjudication of mental incompetence, has not been found by a 1392  
court to be a mentally ill person subject to court order, and is 1393  
not an involuntary patient other than one who is a patient only 1394  
for purposes of observation, as described in division (D) (1) (i) 1395  
of that section; is not currently subject to a civil protection 1396  
order, a temporary protection order, an extreme risk protection 1397

order or ex parte extreme risk protection order issued under 1398  
sections 2923.26 to 2923.30 of the Revised Code, or a protection 1399  
order issued by a court of another state, as described in 1400  
division (D) (1) (j) of that section; is not currently subject to 1401  
a suspension imposed under division (A) (2) of section 2923.128 1402  
of the Revised Code of a concealed handgun license that 1403  
previously was issued to the person or a similar suspension 1404  
imposed by another state regarding a concealed handgun license 1405  
issued by that state; is not an unlawful user of or addicted to 1406  
any controlled substance as defined in 21 U.S.C. 802; if 1407  
applicable, is an alien and has not been admitted to the United 1408  
States under a nonimmigrant visa, as defined in the "Immigration 1409  
and Nationality Act," 8 U.S.C. 1101(a) (26); has not been 1410  
discharged from the armed forces of the United States under 1411  
dishonorable conditions; if applicable, has not renounced the 1412  
applicant's United States citizenship; and has not been 1413  
convicted of, pleaded guilty to, or been adjudicated a 1414  
delinquent child for committing a violation identified in 1415  
division (D) (1) (s) of section 2923.125 of the Revised Code; 1416

(c) A nonrefundable temporary emergency license fee as 1417  
described in either of the following: 1418

(i) For an applicant who has been a resident of this state 1419  
for five or more years, a fee of fifteen dollars plus the actual 1420  
cost of having a background check performed by the bureau of 1421  
criminal identification and investigation pursuant to section 1422  
311.41 of the Revised Code; 1423

(ii) For an applicant who has been a resident of this 1424  
state for less than five years or who is not a resident of this 1425  
state, but is temporarily staying in this state, a fee of 1426  
fifteen dollars plus the actual cost of having background checks 1427

performed by the federal bureau of investigation and the bureau 1428  
of criminal identification and investigation pursuant to section 1429  
311.41 of the Revised Code. 1430

(d) A set of fingerprints of the applicant provided as 1431  
described in section 311.41 of the Revised Code through use of 1432  
an electronic fingerprint reading device or, if the sheriff to 1433  
whom the application is submitted does not possess and does not 1434  
have ready access to the use of an electronic fingerprint 1435  
reading device, on a standard impression sheet prescribed 1436  
pursuant to division (C) (2) of section 109.572 of the Revised 1437  
Code. If the fingerprints are provided on a standard impression 1438  
sheet, the person also shall provide the person's social 1439  
security number to the sheriff. 1440

(2) A sheriff shall accept the evidence of imminent 1441  
danger, the sworn affidavit, the fee, and the set of 1442  
fingerprints required under division (B) (1) of this section at 1443  
the times and in the manners described in division (I) of this 1444  
section. Upon receipt of the evidence of imminent danger, the 1445  
sworn affidavit, the fee, and the set of fingerprints required 1446  
under division (B) (1) of this section, the sheriff, in the 1447  
manner specified in section 311.41 of the Revised Code, 1448  
immediately shall conduct or cause to be conducted the criminal 1449  
records check and the incompetency records check described in 1450  
section 311.41 of the Revised Code. Immediately upon receipt of 1451  
the results of the records checks, the sheriff shall review the 1452  
information and shall determine whether the criteria set forth 1453  
in divisions (D) (1) (a) to (j) and (m) to (s) of section 2923.125 1454  
of the Revised Code apply regarding the person. If the sheriff 1455  
determines that all of the criteria set forth in divisions (D) 1456  
(1) (a) to (j) and (m) to (s) of section 2923.125 of the Revised 1457  
Code apply regarding the person, the sheriff shall immediately 1458

make available through the law enforcement automated data system 1459  
all information that will be contained on the temporary 1460  
emergency license for the person if one is issued, and the 1461  
superintendent of the state highway patrol shall ensure that the 1462  
system is so configured as to permit the transmission through 1463  
the system of that information. Upon making that information 1464  
available through the law enforcement automated data system, the 1465  
sheriff shall immediately issue to the person a concealed 1466  
handgun license on a temporary emergency basis. 1467

If the sheriff denies the issuance of a license on a 1468  
temporary emergency basis to the person, the sheriff shall 1469  
specify the grounds for the denial in a written notice to the 1470  
person. The person may appeal the denial, or challenge criminal 1471  
records check results that were the basis of the denial if 1472  
applicable, in the same manners specified in division (D) (2) of 1473  
section 2923.125 and in section 2923.127 of the Revised Code, 1474  
regarding the denial of an application for a concealed handgun 1475  
license under that section. 1476

The license on a temporary emergency basis issued under 1477  
this division shall be in the form, and shall include all of the 1478  
information, described in divisions (A) (2) (a) and (d) of section 1479  
109.731 of the Revised Code, and also shall include a unique 1480  
combination of identifying letters and numbers in accordance 1481  
with division (A) (2) (c) of that section. 1482

The license on a temporary emergency basis issued under 1483  
this division is valid for ninety days and may not be renewed. A 1484  
person who has been issued a license on a temporary emergency 1485  
basis under this division shall not be issued another license on 1486  
a temporary emergency basis unless at least four years has 1487  
expired since the issuance of the prior license on a temporary 1488

emergency basis. 1489

(3) If a person seeking a concealed handgun license on a 1490  
temporary emergency basis has been convicted of or pleaded 1491  
guilty to an offense identified in division (D)(1)(e), (f), or 1492  
(h) of section 2923.125 of the Revised Code or has been 1493  
adjudicated a delinquent child for committing an act or 1494  
violation identified in any of those divisions, and if a court 1495  
has ordered the sealing or expungement of the records of that 1496  
conviction, guilty plea, or adjudication pursuant to sections 1497  
2151.355 to 2151.358 or sections 2953.31 to 2953.36 of the 1498  
Revised Code or the applicant has been relieved under operation 1499  
of law or legal process from the disability imposed pursuant to 1500  
section 2923.13 of the Revised Code relative to that conviction, 1501  
guilty plea, or adjudication, the conviction, guilty plea, or 1502  
adjudication shall not be relevant for purposes of the sworn 1503  
affidavit described in division (B)(1)(b) of this section, and 1504  
the person may complete, and swear to the truth of, the 1505  
affidavit as if the conviction, guilty plea, or adjudication 1506  
never had occurred. 1507

(4) The sheriff shall waive the payment pursuant to 1508  
division (B)(1)(c) of this section of the license fee in 1509  
connection with an application that is submitted by an applicant 1510  
who is a retired peace officer, a retired person described in 1511  
division (B)(1)(b) of section 109.77 of the Revised Code, or a 1512  
retired federal law enforcement officer who, prior to 1513  
retirement, was authorized under federal law to carry a firearm 1514  
in the course of duty, unless the retired peace officer, person, 1515  
or federal law enforcement officer retired as the result of a 1516  
mental disability. 1517

The sheriff shall deposit all fees paid by an applicant 1518

under division (B) (1) (c) of this section into the sheriff's 1519  
concealed handgun license issuance fund established pursuant to 1520  
section 311.42 of the Revised Code. 1521

(C) A person who holds a concealed handgun license on a 1522  
temporary emergency basis has the same right to carry a 1523  
concealed handgun as a person who was issued a concealed handgun 1524  
license under section 2923.125 of the Revised Code, and any 1525  
exceptions to the prohibitions contained in section 1547.69 and 1526  
sections 2923.12 to 2923.16 of the Revised Code for a licensee 1527  
under section 2923.125 of the Revised Code apply to a licensee 1528  
under this section. The person is subject to the same 1529  
restrictions, and to all other procedures, duties, and 1530  
sanctions, that apply to a person who carries a license issued 1531  
under section 2923.125 of the Revised Code, other than the 1532  
license renewal procedures set forth in that section. 1533

(D) A sheriff who issues a concealed handgun license on a 1534  
temporary emergency basis under this section shall not require a 1535  
person seeking to carry a concealed handgun in accordance with 1536  
this section to submit a competency certificate as a 1537  
prerequisite for issuing the license and shall comply with 1538  
division (H) of section 2923.125 of the Revised Code in regards 1539  
to the license. The sheriff shall suspend or revoke the license 1540  
in accordance with section 2923.128 of the Revised Code. In 1541  
addition to the suspension or revocation procedures set forth in 1542  
section 2923.128 of the Revised Code, the sheriff may revoke the 1543  
license upon receiving information, verifiable by public 1544  
documents, that the person is not eligible to possess a firearm 1545  
under either the laws of this state or of the United States or 1546  
that the person committed perjury in obtaining the license; if 1547  
the sheriff revokes a license under this additional authority, 1548  
the sheriff shall notify the person, by certified mail, return 1549

receipt requested, at the person's last known residence address 1550  
that the license has been revoked and that the person is 1551  
required to surrender the license at the sheriff's office within 1552  
ten days of the date on which the notice was mailed. Division 1553  
(H) of section 2923.125 of the Revised Code applies regarding 1554  
any suspension or revocation of a concealed handgun license on a 1555  
temporary emergency basis. 1556

(E) A sheriff who issues a concealed handgun license on a 1557  
temporary emergency basis under this section shall retain, for 1558  
the entire period during which the license is in effect, the 1559  
evidence of imminent danger that the person submitted to the 1560  
sheriff and that was the basis for the license, or a copy of 1561  
that evidence, as appropriate. 1562

(F) If a concealed handgun license on a temporary 1563  
emergency basis issued under this section is lost or is 1564  
destroyed, the licensee may obtain from the sheriff who issued 1565  
that license a duplicate license upon the payment of a fee of 1566  
fifteen dollars and the submission of an affidavit attesting to 1567  
the loss or destruction of the license. The sheriff, in 1568  
accordance with the procedures prescribed in section 109.731 of 1569  
the Revised Code, shall place on the replacement license a 1570  
combination of identifying numbers different from the 1571  
combination on the license that is being replaced. 1572

(G) The attorney general shall prescribe, and shall make 1573  
available to sheriffs, a standard form to be used under division 1574  
(B) of this section by a person who applies for a concealed 1575  
handgun license on a temporary emergency basis on the basis of 1576  
imminent danger of a type described in division (A) (1) (a) of 1577  
this section. The attorney general shall design the form to 1578  
enable applicants to provide the information that is required by 1579

law to be collected, and shall update the form as necessary. 1580  
Burdens or restrictions to obtaining a concealed handgun license 1581  
that are not expressly prescribed in law shall not be 1582  
incorporated into the form. The attorney general shall post a 1583  
printable version of the form on the web site of the attorney 1584  
general and shall provide the address of the web site to any 1585  
person who requests the form. 1586

(H) A sheriff who receives any fees paid by a person under 1587  
this section shall deposit all fees so paid into the sheriff's 1588  
concealed handgun license issuance expense fund established 1589  
under section 311.42 of the Revised Code. 1590

(I) A sheriff shall accept evidence of imminent danger, a 1591  
sworn affidavit, the fee, and the set of fingerprints specified 1592  
in division (B)(1) of this section at any time during normal 1593  
business hours. In no case shall a sheriff require an 1594  
appointment, or designate a specific period of time, for the 1595  
submission or acceptance of evidence of imminent danger, a sworn 1596  
affidavit, the fee, and the set of fingerprints specified in 1597  
division (B)(1) of this section, or for the provision to any 1598  
person of a standard form to be used for a person to apply for a 1599  
concealed handgun license on a temporary emergency basis. 1600

**Sec. 2923.13.** (A) Unless relieved from disability under 1601  
operation of law or legal process, no person shall knowingly 1602  
acquire, have, carry, or use any firearm or dangerous ordnance, 1603  
if any of the following apply: 1604

(1) The person is a fugitive from justice. 1605

(2) The person is under indictment for or has been 1606  
convicted of any felony offense of violence or has been 1607  
adjudicated a delinquent child for the commission of an offense 1608

that, if committed by an adult, would have been a felony offense 1609  
of violence. 1610

(3) The person is under indictment for or has been 1611  
convicted of any felony offense involving the illegal 1612  
possession, use, sale, administration, distribution, or 1613  
trafficking in any drug of abuse or has been adjudicated a 1614  
delinquent child for the commission of an offense that, if 1615  
committed by an adult, would have been a felony offense 1616  
involving the illegal possession, use, sale, administration, 1617  
distribution, or trafficking in any drug of abuse. 1618

(4) The person is drug dependent, in danger of drug 1619  
dependence, or a chronic alcoholic. 1620

(5) The person is under adjudication of mental 1621  
incompetence, has been adjudicated as a mental defective, has 1622  
been committed to a mental institution, has been found by a 1623  
court to be a mentally ill person subject to court order, or is 1624  
an involuntary patient other than one who is a patient only for 1625  
purposes of observation. ~~As used in this division, "mentally ill-~~ 1626  
~~person subject to court order" and "patient" have the same~~ 1627  
~~meanings as in section 5122.01 of the Revised Code.~~ 1628

(6) The person has been found guilty of having a firearm 1629  
while under extreme risk protection order disability, and is 1630  
prohibited from acquiring, having, carrying, or using a firearm 1631  
under section 2923.99 of the Revised Code. 1632

(B) Whoever violates this section is guilty of having 1633  
weapons while under disability, a felony of the third degree. 1634

(C) For the purposes of this section, ~~"under:~~ 1635

(1) Under operation of law or legal process" shall not 1636  
itself include mere completion, termination, or expiration of a 1637

sentence imposed as a result of a criminal conviction. 1638

(2) "Mentally ill person subject to court order" and 1639  
"patient" have the same meanings as in section 5122.01 of the 1640  
Revised Code. 1641

Sec. 2923.26. (A) As used in this section and sections 1642  
2923.27 to 2923.30 of the Revised Code: 1643

(1) "Extreme risk protection order" means a final order 1644  
granted under section 2923.26 of the Revised Code. 1645

(2) "Ex parte extreme risk protection order" means an ex 1646  
parte order granted under section 2923.27 of the Revised Code. 1647

(3) "Family or household member" means, with respect to a 1648  
respondent, any of the following: 1649

(a) A person related by blood, marriage, or adoption to 1650  
the respondent; 1651

(b) A person in a dating relationship with the respondent; 1652

(c) A person who has a child in common with the 1653  
respondent, regardless of whether the person has been married to 1654  
the respondent or has lived together with the respondent at any 1655  
time; 1656

(d) A person who resides with the respondent or who has 1657  
resided with the respondent within the past year; 1658

(e) A person who has a biological or legal parent-child 1659  
relationship with the respondent, including a stepparent, 1660  
stepchild, grandparent, and grandchild of the respondent; 1661

(f) A person who is acting or has acted as the 1662  
respondent's legal guardian. 1663

(4) "Petitioner" means the person who petitions for an 1664

extreme risk protection order under this section. 1665

(5) "Respondent" means the person who is identified as the 1666  
subject of a petition for an extreme risk protection order under 1667  
this section. 1668

(6) "Law enforcement officer" means a sheriff, deputy 1669  
sheriff, constable, police officer of a township or joint police 1670  
district, municipal police officer, or state highway patrol 1671  
trooper. 1672

(7) "Law enforcement agency" means a municipal or township 1673  
police department, a county sheriff's office, or the state 1674  
highway patrol. 1675

(B)(1) Any of the following persons may seek relief under 1676  
sections 2923.26 to 2923.30 of the Revised Code by filing a 1677  
petition for an extreme risk protection order in the court of 1678  
common pleas in the county where the petitioner resides or in 1679  
the county where the respondent resides: 1680

(a) A family or household member of the respondent; 1681

(b) A law enforcement officer or law enforcement agency. 1682

(2) If a petitioner files a petition for an extreme risk 1683  
protection order, in addition to the petition, the petitioner 1684  
may file an application for an ex parte extreme risk protection 1685  
order under section 2923.27 of the Revised Code. An application 1686  
for an ex parte extreme risk protection order may be filed as 1687  
specified in that section in the court of common pleas in which 1688  
the petition is filed or in a county court or municipal court. 1689  
If a petitioner who files a petition for an extreme risk 1690  
protection order also files an application for an ex parte 1691  
extreme risk protection order, except as expressly specified to 1692  
the contrary, the provisions of this section apply with respect 1693

to the petition that is related to the application. 1694

(C) A petition for an extreme risk protection order shall 1695  
include all of the following: 1696

(1) An allegation that the respondent poses a significant 1697  
danger of causing personal injury to self or others by having in 1698  
the respondent's custody or control, purchasing, possessing, or 1699  
receiving a firearm, accompanied by an affidavit made under oath 1700  
stating the specific statements, actions, or facts that give 1701  
rise to a reasonable fear of future dangerous acts by the 1702  
respondent; 1703

(2) An inventory list including the number, types, and 1704  
locations of every firearm the petitioner believes to be in the 1705  
respondent's ownership, possession, custody, or control; 1706

(3) A list of any protection order issued under section 1707  
2151.34, 2903.213, 2903.214, 2919.26, or 3113.31 of the Revised 1708  
Code to which the respondent is subject and of which the 1709  
petitioner is aware; 1710

(4) A list of any pending lawsuit, complaint, petition, or 1711  
other legal action between the parties. 1712

(D) The court shall verify the terms of any existing order 1713  
governing the parties but shall not delay granting relief under 1714  
this section or section 2923.27 of the Revised Code because an 1715  
action is pending between the parties. A petition for an extreme 1716  
risk protection order may be granted whether or not an action 1717  
between the parties is pending. 1718

(E) If the petitioner for an extreme risk protection order 1719  
is a law enforcement officer or agency, the petitioner shall 1720  
make a good faith effort to provide notice to a family or 1721  
household member or third party who may be at risk of violence. 1722

The notice shall state that the petitioner intends to petition 1723  
the court for an extreme risk protection order or that the 1724  
petitioner has already done so, and include referrals to 1725  
appropriate resources, including mental health, domestic 1726  
violence, and counseling resources. The petitioner shall attest 1727  
in the petition to having provided this notice, or attest to the 1728  
steps that will be taken to provide the notice. 1729

(F) If the petition for an extreme risk protection order 1730  
states that disclosure of the petitioner's address would risk 1731  
harm to the petitioner or any member of the petitioner's family 1732  
or household, the petitioner's address may be omitted from all 1733  
documents filed with the court. If the petitioner has not 1734  
disclosed an address under this division, the petitioner shall 1735  
designate an alternate address at which the respondent may serve 1736  
notice of any motions. If the petitioner is a law enforcement 1737  
officer or agency, the address of record shall be the address of 1738  
the law enforcement agency. 1739

(G) The court shall not charge a fee to a petitioner for 1740  
filing a petition under this section or for filing an 1741  
application for an ex parte extreme risk protection order under 1742  
section 2923.27 of the Revised Code, and shall not charge the 1743  
petitioner for service of process of the petition. The court 1744  
shall provide the necessary certified copies and forms and shall 1745  
provide materials explaining the process of filing a petition 1746  
for an extreme risk protection order to persons free of charge. 1747

(H) No petitioner for an extreme risk protection order 1748  
shall be required to post a bond to obtain relief under this 1749  
section or sections 2923.27 to 2923.30 of the Revised Code. 1750

(I) (1) Upon receiving a petition for an extreme risk 1751  
protection order, the court shall do all of the following, 1752

subject to division (I) (2) of this section: 1753

(a) Order a hearing to be held not later than fourteen 1754  
days after the date the petition is filed; 1755

(b) Issue a notice of the date, time, and location of the 1756  
hearing to the respondent named in the petition; 1757

(c) Cause a copy of the notice of hearing and petition to 1758  
be forwarded on or before the next judicial day to a local law 1759  
enforcement agency for service on the respondent. 1760

(2) If a petitioner who files a petition for an extreme 1761  
risk protection order also files an application for an ex parte 1762  
extreme risk protection order under section 2923.27 of the 1763  
Revised Code with respect to the same respondent, the court 1764  
shall order the hearing specified in division (I) (1) (a) of this 1765  
section, but except as provided in division (E) (4) of section 1766  
2923.27 of the Revised Code, the court shall not issue the 1767  
notice under division (I) (1) (b) of this section, cause the copy 1768  
of the notice and petition to be served under division (I) (1) (c) 1769  
of this section, or conduct the hearing. 1770

(J) The court may do either of the following with respect 1771  
to a petition for an extreme risk protection order: 1772

(1) Subject to division (K) of this section, schedule a 1773  
hearing by telephone pursuant to local court rule, to reasonably 1774  
accommodate a disability, or, in exceptional circumstances, to 1775  
protect a petitioner from potential harm; 1776

(2) Issue an ex parte extreme risk protection order under 1777  
section 2923.27 of the Revised Code, if an application for such 1778  
an order is made under that section. 1779

(K) The court shall require assurances of the petitioner's 1780

identity before conducting a telephonic hearing under division 1781  
(J) (1) of this section. 1782

(L) Except as otherwise provided in this division, the 1783  
local law enforcement agency shall personally serve the petition 1784  
and notice of the hearing on the respondent not less than five 1785  
judicial days prior to the hearing. If the petitioner who filed 1786  
the petition for an extreme risk protection order also filed an 1787  
application for an ex parte extreme risk protection order under 1788  
section 2923.27 of the Revised Code with respect to the same 1789  
respondent, the agency shall serve the notice and petition as 1790  
specified in division (E) (3) or (4) of section 2923.27 of the 1791  
Revised Code. Service issued under this section shall take 1792  
precedence over other service of other documents, unless those 1793  
documents are also of an emergency nature. If the local law 1794  
enforcement agency cannot serve process under this section 1795  
within the time period specified, the court shall set a new 1796  
hearing date and either require the local law enforcement agency 1797  
to attempt personal service again or shall permit service by 1798  
publication or mail as provided in division (H) of section 1799  
2923.28 of the Revised Code. The court shall not require more 1800  
than two attempts at obtaining personal service and shall permit 1801  
service by publication or mail after two attempts unless the 1802  
petitioner requests additional time to attempt personal service. 1803  
If the court issues an order that permits service by publication 1804  
or mail, the court shall set the hearing date not later than 1805  
twenty-four days after the date the order is issued. 1806

(M) (1) Upon hearing a petition for an extreme risk 1807  
protection order, subject to division (M) (2) of this section, if 1808  
the court finds by a preponderance of the evidence that the 1809  
respondent poses a significant danger of causing personal injury 1810  
to self or others by having custody or control of a firearm or 1811

the ability to purchase, possess, or receive a firearm, the 1812  
court shall issue an extreme risk protection order for a period 1813  
of one hundred eighty days. 1814

(2) Division (M)(1) of this section does not apply to a 1815  
determination of whether an ex parte extreme risk protection 1816  
order should be issued under section 2923.27 of the Revised 1817  
Code. Divisions (B) and (C) of that section govern the 1818  
determination of whether such an order should be issued. If a 1819  
court issues an ex parte extreme risk protection order under 1820  
that section, division (M)(1) of this section applies in 1821  
determining whether to issue a final extreme risk protection 1822  
order after a hearing held on the related petition for an order. 1823  
If a court denies an application for an ex parte extreme risk 1824  
protection order under that section, division (M)(1) of this 1825  
section applies in determining whether to issue an extreme risk 1826  
protection order after a hearing held on the related petition 1827  
for an order. 1828

(N) In determining whether grounds for an extreme risk 1829  
protection order exist under division (M)(1) of this section or 1830  
whether grounds for an ex parte extreme risk protection order 1831  
exist under divisions (B) and (C) of section 2923.27 of the 1832  
Revised Code, the court may do any of the following: 1833

(1) Consider any relevant evidence including any of the 1834  
following: 1835

(a) A recent act or threat of violence by the respondent 1836  
against the respondent or against another, whether or not the 1837  
violence or threat involves a firearm; 1838

(b) A pattern of acts or threats of violence by the 1839  
respondent within the past twelve months, including acts or 1840

<u>threats of violence by the respondent against the respondent or</u>	1841
<u>against others;</u>	1842
<u>(c) Any dangerous mental health issues of the respondent;</u>	1843
<u>(d) A violation by the respondent of any of the following:</u>	1844
<u>(i) A protection order issued or consent agreement</u>	1845
<u>approved pursuant to section 2919.26 or 3113.31 of the Revised</u>	1846
<u>Code;</u>	1847
<u>(ii) A protection order issued pursuant to section</u>	1848
<u>2151.34, 2903.213, or 2903.214 of the Revised Code;</u>	1849
<u>(iii) A protection order issued by a court of another</u>	1850
<u>state.</u>	1851
<u>(e) A previous or existing extreme risk protection order</u>	1852
<u>issued against the respondent;</u>	1853
<u>(f) A violation of a previous or existing extreme risk</u>	1854
<u>protection order issued against the respondent;</u>	1855
<u>(g) A conviction of the respondent for a violation of</u>	1856
<u>section 2919.25 of the Revised Code;</u>	1857
<u>(h) The respondent's ownership, access to, or intent to</u>	1858
<u>possess firearms;</u>	1859
<u>(i) The unlawful or reckless use, display, or brandishing</u>	1860
<u>of a firearm by the respondent;</u>	1861
<u>(j) The history of use, attempted use, or threatened use</u>	1862
<u>of physical force by the respondent against another person, or</u>	1863
<u>the respondent's history of stalking another person;</u>	1864
<u>(k) Any prior arrest of the respondent for a felony</u>	1865
<u>offense or violent crime;</u>	1866

- (l) Corroborated evidence of the abuse of controlled substances or alcohol by the respondent; 1867  
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- (m) Evidence of recent acquisition of firearms by the respondent. 1869  
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- (2) Examine under oath the petitioner, the respondent, and any witness called by the petitioner or respondent; 1871  
1872
- (3) Ensure that a reasonable search has been conducted for criminal history records related to the respondent. 1873  
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- (O) During a hearing for an extreme risk protection order, the court shall consider whether a mental health evaluation or chemical dependency evaluation is appropriate and may order such an evaluation if appropriate. 1875  
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- (P) An extreme risk protection order issued under this section shall include all of the following: 1879  
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- (1) A statement of the grounds supporting the order; 1881
- (2) The date and time that the order was issued; 1882
- (3) The date and time the order expires; 1883
- (4) Whether a mental health evaluation or chemical dependency evaluation of the respondent is required; 1884  
1885
- (5) The address of the court in which any responsive pleading should be filed; 1886  
1887
- (6) A description of the requirements for relinquishment of firearms under section 2923.30 of the Revised Code; 1888  
1889
- (7) The following statement: 1890
- "To the subject of the protection order: 1891
- This order will last until the date and time noted above. 1892

If you have not done so already, you must surrender to the 1893  
(insert name of local law enforcement agency) all firearms in 1894  
your custody, control, or possession and any license to carry a 1895  
concealed handgun issued to you under section 2923.125 or 1896  
2923.1213 of the Revised Code. You may not have in your custody 1897  
or control, purchase, possess, receive, or attempt to purchase 1898  
or receive, a firearm while this order is in effect. You have 1899  
the right to request one hearing to terminate this order every 1900  
one-hundred-eighty-day period that this order is in effect, 1901  
starting from the date of this order and continuing through any 1902  
renewals. You may seek the advice of an attorney as to any 1903  
matter connected with this order." 1904

(Q) When the court issues an extreme risk protection order 1905  
under this section, the court shall inform the respondent that 1906  
the respondent is entitled to request termination of the order 1907  
in the manner prescribed in section 2923.29 of the Revised Code. 1908

(R) If the court declines to issue an extreme risk 1909  
protection order under this section, the court shall state the 1910  
particular reasons for denial in the court's order. 1911

(S) Sections 2923.26 to 2923.30 of the Revised Code do not 1912  
affect the ability of a law enforcement officer to remove a 1913  
firearm or concealed handgun license from any person or conduct 1914  
any search and seizure for firearms pursuant to any other lawful 1915  
authority. 1916

**Sec. 2923.27.** (A) A petitioner who files a petition for an 1917  
extreme risk protection order under section 2923.26 of the 1918  
Revised Code may request that an ex parte extreme risk 1919  
protection order be issued before a hearing for an extreme risk 1920  
protection order under that section, without notice to the 1921  
respondent, by filing an application for an ex parte extreme 1922

risk protection order in a court of common pleas, county court, 1923  
or municipal court. An application for an ex parte order shall 1924  
include detailed allegations based on personal knowledge that 1925  
the respondent poses a significant danger of causing personal 1926  
injury to self or others in the near future by having custody or 1927  
control of a firearm or the ability to purchase, possess, or 1928  
receive a firearm. The application shall be filed in addition to 1929  
the petition for the extreme risk protection order. 1930

(B) In considering whether to issue an ex parte extreme 1931  
risk protection order under this section, the court that 1932  
receives the application shall consider all relevant evidence, 1933  
including the evidence described in division (N)(1) of section 1934  
2923.26 of the Revised Code. 1935

(C) If a court finds there is reasonable cause to believe 1936  
that the respondent poses a significant danger of causing 1937  
personal injury to self or others in the near future by having 1938  
custody or control of a firearm or the ability to purchase, 1939  
possess, or receive a firearm, the court shall issue an ex parte 1940  
extreme risk protection order. 1941

(D) The court shall hold an ex parte extreme risk 1942  
protection order hearing in person or by telephone on the day 1943  
the petition is filed or on the judicial day immediately 1944  
following the day the petition is filed. 1945

(E) (1) If a court of common pleas issues an ex parte 1946  
extreme risk protection order, the court shall schedule a 1947  
hearing to be held within three days of the issuance of the 1948  
order to determine if an extreme risk protection order should be 1949  
issued and shall hold the hearing on the date, and at the time 1950  
and place, scheduled. 1951

(2) If a county court or municipal court issues an ex parte extreme risk protection order, the court shall transfer the case to the court of common pleas and that court shall schedule a hearing to be held within three days of the issuance of the order to determine if an extreme risk protection order should be issued, and shall hold the hearing on the date, and at the time and place, scheduled. 1952  
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(3) If a court of common pleas, county court, or municipal court issues an ex parte extreme risk protection order, the hearing scheduled under division (I) (1) (a) of section 2923.26 of the Revised Code shall not be conducted. Instead, the appropriate court shall conduct the hearing scheduled under division (E) (1) or (2) of this section to determine if an extreme risk protection order should be issued. The court shall issue a notice of the date, time, and location of the hearing to the respondent and shall cause a copy of the notice of the hearing and petition to be forwarded on or before the next judicial day to a local law enforcement agency for service on the respondent. The local law enforcement agency shall personally serve the notice of the hearing and petition on the day that it is received and shall serve the ex parte order concurrently with the notice. 1959  
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(4) If a petitioner files an application requesting that an ex parte extreme risk protection order be issued and the court denies the application, the court in which the petition was filed under section 2923.26 of the Revised Code shall conduct the hearing scheduled under division (I) (1) (a) of that section to determine if an extreme risk protection order should be issued. The court shall issue the notice under division (I) (1) (b) of that section and cause the copy of the notice and petition to be served under division (I) (1) (c) of that section. 1974  
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The local law enforcement agency that is served with the copy of 1983  
the notice and petition shall personally serve the petition and 1984  
notice of the hearing on the respondent not less than five 1985  
judicial days prior to the hearing. 1986

(F) An ex parte extreme risk protection order issued under 1987  
this section shall include all of the following: 1988

(1) A statement of the grounds asserted for the order; 1989

(2) The date and time the order was issued; 1990

(3) The date and time the order expires; 1991

(4) The address of the court in which any responsive 1992  
pleading should be filed; 1993

(5) The date, time, and location of the hearing scheduled 1994  
under division (E) (1) or (2) of this section; 1995

(6) A description of the requirements for surrender of 1996  
firearms under section 2923.30 of the Revised Code; 1997

(7) The following statement: 1998

"To the subject of this protection order: 1999

This order is valid until the date and time noted above. 2000  
You are required to surrender all firearms in your custody, 2001  
control, or possession. You may not have in your custody or 2002  
control, purchase, possess, receive, or attempt to purchase or 2003  
receive, a firearm while this order is in effect. You must 2004  
immediately surrender to the (insert name of local law 2005  
enforcement agency) all firearms in your custody, control, or 2006  
possession and any license to carry a concealed handgun issued 2007  
to you under section 2923.125 or 2923.1213 of the Revised Code 2008  
immediately. A hearing will be held on the date and at the time 2009

and location noted above to determine if an extreme risk protection order should be issued. Failure to appear at that hearing may result in a court making an order against you that is valid for one hundred eighty days. You may seek the advice of an attorney as to any matter connected with this order." 2010  
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(G) Any ex parte extreme risk protection order issued under this section expires upon the hearing on the petition for the extreme risk protection order. 2015  
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(H) If the court of common pleas, county court, or municipal court declines to issue an ex parte extreme risk protection order, the court shall state the particular reasons for the denial. 2018  
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**Sec. 2923.28.** (A) An extreme risk protection order issued under section 2923.26 of the Revised Code shall be personally served upon the respondent, except as otherwise provided in sections 2923.26 to 2923.30 of the Revised Code. 2022  
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(B) The law enforcement agency with jurisdiction over the area in which the respondent resides shall serve the respondent personally unless the petitioner elects to have the respondent served by a private party. 2026  
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(C) If service by the local law enforcement agency is to be used, the clerk of court shall cause a copy of the order issued under section 2923.26 of the Revised Code to be forwarded on or before the next judicial day to the local law enforcement agency specified in the order for service upon the respondent. 2030  
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(D) If the law enforcement agency is unable to complete service on the respondent within ten days, the law enforcement agency shall notify the petitioner. The petitioner shall provide any information necessary to allow the law enforcement agency to 2035  
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complete service on the respondent. 2039

(E) If an order entered by the court specifies that the 2040  
respondent appeared in person before the court, further service 2041  
is waived and proof of service is not necessary. 2042

(F) If the court previously entered an order allowing 2043  
service of the notice and petition or an ex parte extreme risk 2044  
protection order by publication or mail under division (H) of 2045  
this section, or if the court finds there are now grounds to 2046  
allow for that method of service, the court may permit service 2047  
by publication or mail of the extreme risk protection order as 2048  
provided in that division. 2049

(G) Return of service under sections 2923.26 to 2923.30 of 2050  
the Revised Code shall be made in accordance with applicable 2051  
rules of court. 2052

(H) The court may order service by publication or service 2053  
by mail as provided by the Rules of Civil Procedure except that 2054  
any summons shall contain the name of the respondent and 2055  
petitioner, the date and time of the hearing, and any ex parte 2056  
extreme risk protection order that has been issued against the 2057  
respondent, and the following notice: 2058

"If you fail to respond, an extreme risk protection order 2059  
may be issued against you pursuant to sections 2923.26 to 2060  
2923.30 of the Revised Code for one hundred eighty days from the 2061  
date you are required to appear." 2062

(I) If the court orders service by publication or mail for 2063  
notice of an extreme risk protection order hearing, it shall 2064  
also reissue the ex parte extreme risk protection order, if 2065  
issued, to expire on the date of the extreme risk protection 2066  
order hearing. 2067

(J) Following completion of service by publication or by 2068  
mail for notice of an extreme risk protection order hearing, if 2069  
the respondent fails to appear at the hearing, the court may 2070  
issue an extreme risk protection order as provided in section 2071  
2923.26 of the Revised Code. 2072

(K) The clerk of the court shall enter any extreme risk 2073  
protection order or ex parte extreme risk protection order 2074  
issued under sections 2923.26 to 2923.30 of the Revised Code 2075  
into a statewide judicial information system on the same day 2076  
such order is issued. 2077

(L) The clerk of the court shall forward a copy of an 2078  
order issued under sections 2923.26 to 2923.30 of the Revised 2079  
Code the same day the order is issued to the appropriate law 2080  
enforcement agency specified in the order. Upon receipt of the 2081  
copy of the order, the law enforcement agency shall enter the 2082  
order into the national instant criminal background check 2083  
system, any other federal or state computer-based systems used 2084  
by law enforcement or others to identify prohibited purchasers 2085  
of firearms, and any computer-based criminal intelligence 2086  
information system available in this state used by law 2087  
enforcement agencies to list outstanding warrants. The order 2088  
shall remain in each system for the period stated in the order, 2089  
and the law enforcement agency shall only remove orders from the 2090  
systems that have expired or terminated. Entry into the 2091  
computer-based criminal intelligence information system 2092  
constitutes notice to all law enforcement agencies of the 2093  
existence of the order. The order is fully enforceable in any 2094  
county in the state. 2095

(M) (1) The issuing court shall, within three judicial days 2096  
after issuance of an extreme risk protection order or ex parte 2097

extreme risk protection order, forward a copy of the 2098  
respondent's driver's license or state identification card, or 2099  
comparable information, along with the date of the order's 2100  
issuance, to the sheriff that has issued a concealed handgun 2101  
license to the respondent. Upon receipt of the information, the 2102  
sheriff shall immediately revoke the respondent's license in 2103  
accordance with division (B) of section 2923.128 of the Revised 2104  
Code. 2105

(2) The court, if necessary, may apply for access to the 2106  
law enforcement automated data system to identify a sheriff that 2107  
has issued a concealed handgun license to a respondent. For 2108  
purposes of this inquiry, the court is a criminal justice 2109  
agency. 2110

(N) If an extreme risk protection order is terminated 2111  
before its expiration date, the clerk of the court shall forward 2112  
the same day a copy of the termination order to the appropriate 2113  
law enforcement agency specified in the termination order. Upon 2114  
receipt of the order, the law enforcement agency shall promptly 2115  
remove the order from any computer-based system in which it was 2116  
entered pursuant to division (L) of this section. 2117

**Sec. 2923.29.** (A) The respondent may submit one written 2118  
request for a hearing to terminate an extreme risk protection 2119  
order issued under sections 2923.26 to 2923.30 of the Revised 2120  
Code every one-hundred-eighty-day period that the order is in 2121  
effect, starting from the date of the order and continuing 2122  
through any renewals. 2123

(1) Upon receipt of the request for a hearing to terminate 2124  
an extreme risk protection order, the court shall set a date for 2125  
a hearing. Notice of the request shall be served on the 2126  
petitioner in accordance with the Rules of Civil Procedure. The 2127

hearing shall occur not sooner than fourteen days and not later 2128  
than thirty days after the date the petitioner is served with 2129  
the request. 2130

(2) The respondent shall have the burden of proving by a 2131  
preponderance of the evidence that the respondent does not pose 2132  
a significant danger of causing personal injury to self or 2133  
others by having custody or control of a firearm or the ability 2134  
to purchase, possess, or receive a firearm. The court may 2135  
consider any relevant evidence, including evidence of the 2136  
considerations listed in division (N) (1) of section 2923.26 of 2137  
the Revised Code. 2138

(3) If the court finds after the hearing that the 2139  
respondent has met the respondent's burden, the court shall 2140  
terminate the order. 2141

(B) The court shall notify the petitioner of the impending 2142  
expiration of an extreme risk protection order. Notice shall be 2143  
received by the petitioner sixty calendar days before the date 2144  
the order expires. 2145

(C) A family or household member of a respondent or a law 2146  
enforcement officer or agency may by motion request a renewal of 2147  
an extreme risk protection not sooner than sixty calendar days 2148  
before the expiration of the order. 2149

(D) Upon receipt of a motion to renew, the court shall 2150  
order that a hearing be held not later than fourteen days from 2151  
the date of the request for renewal. The court may schedule a 2152  
hearing by telephone in the manner prescribed by division (J) (1) 2153  
of section 2923.26 of the Revised Code. The respondent shall be 2154  
personally served in the same manner prescribed by divisions (I) 2155  
(3) and (L) of section 2923.26 of the Revised Code. 2156

(E) In determining whether to renew an extreme risk protection order under this section, the court shall consider all relevant evidence presented by the petitioner and follow the same procedure as provided in section 2923.26 of the Revised Code. 2157  
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If the court finds by a preponderance of the evidence that the requirements for issuance of an extreme risk protection order as provided in section 2923.26 of the Revised Code continue to be met, the court shall renew the order. However, if, after notice, the motion for renewal is uncontested and the petitioner seeks no modification of the order, the order may be renewed on the basis of the petitioner's motion or affidavit stating that there has been no material change in relevant circumstances since entry of the order and stating the reason for the requested renewal. 2162  
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(F) The renewal of an extreme risk protection order has a duration of one hundred eighty days, subject to termination as provided in division (A) of this section or further renewal by order of the court. 2172  
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**Sec. 2923.30.** (A) Upon issuance of any extreme risk protection order or ex parte extreme risk protection order under sections 2923.26 to 2923.30 of the Revised Code, the court shall order the respondent to surrender to the local law enforcement agency all firearms in the respondent's custody, control, or possession and any license to carry a concealed handgun issued to the respondent under section 2923.125 or 2923.1213 of the Revised Code. 2176  
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(B) The law enforcement officer serving any extreme risk protection order or ex parte extreme risk protection order issued under sections 2923.26 to 2923.30 of the Revised Code 2184  
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shall request that the respondent immediately surrender all 2187  
firearms in the respondent's custody, control, or possession and 2188  
any license to carry a concealed handgun issued to the 2189  
respondent under section 2923.125 or 2923.1213 of the Revised 2190  
Code, and conduct any search permitted by law for such firearms. 2191

(C) The law enforcement officer shall take possession of 2192  
all firearms belonging to the respondent that are surrendered, 2193  
in plain sight, or discovered pursuant to a lawful search. 2194  
Alternatively, if personal service by a law enforcement officer 2195  
is not possible, or not required because the respondent was 2196  
present at the extreme risk protection order hearing, the 2197  
respondent shall surrender the firearms in a safe manner to the 2198  
control of the local law enforcement agency within forty-eight 2199  
hours of being served with the order by alternate service or 2200  
within forty-eight hours of the hearing at which the respondent 2201  
was present. 2202

(D) At the time of surrender, a law enforcement officer 2203  
taking possession of a firearm or concealed handgun license 2204  
shall issue a receipt identifying all firearms that have been 2205  
surrendered and provide a copy of the receipt to the respondent. 2206  
Within seventy-two hours after service of the order, the officer 2207  
serving the order shall file the original receipt with the court 2208  
and shall ensure that the officer's law enforcement agency 2209  
retains a copy of the receipt. 2210

(E) Upon the sworn statement or testimony of the 2211  
petitioner or of any law enforcement officer alleging that the 2212  
respondent has failed to comply with the surrender of firearms 2213  
as required by an order issued under sections 2923.26 to 2923.30 2214  
of the Revised Code, the court shall determine whether probable 2215  
cause exists to believe that the respondent has failed to 2216

surrender all firearms in the respondent's possession, custody, 2217  
or control. If probable cause exists, the court shall issue a 2218  
warrant describing the firearms and authorizing a search of the 2219  
locations where the firearms are reasonably believed to be and 2220  
the seizure of any firearms discovered pursuant to such search. 2221

(F) If a person other than the respondent claims title to 2222  
any firearm surrendered pursuant to this section, and the other 2223  
person is determined by the law enforcement agency to be the 2224  
lawful owner of the firearm, the firearm shall be returned to 2225  
the other person, provided that both of the following apply: 2226

(1) The firearm is removed from the respondent's custody, 2227  
control, or possession and the lawful owner agrees to store the 2228  
firearm in a manner such that the respondent does not have 2229  
access to or control of the firearm. 2230

(2) The lawful owner is not prohibited from possessing the 2231  
firearm under state or federal law. 2232

(G) Upon the issuance of an extreme risk protection order, 2233  
the court shall order a new hearing date and require the 2234  
respondent to appear not later than three judicial days from the 2235  
issuance of the order. The court shall require a showing that 2236  
the respondent has surrendered any firearms in the respondent's 2237  
custody, control, or possession. The court may dismiss the 2238  
hearing upon a satisfactory showing that the respondent is in 2239  
compliance with the order. 2240

(H) All law enforcement agencies shall develop policies 2241  
and procedures not later than six months after the effective 2242  
date of this section regarding the acceptance, storage, and 2243  
return of firearms required to be surrendered under sections 2244  
2923.26 to 2923.30 of the Revised Code. 2245

(I) If an extreme risk protection order is terminated or 2246  
expires without renewal or an ex parte extreme risk protection 2247  
order expires and an extreme risk protection order is not issued 2248  
regarding the respondent, a law enforcement agency holding any 2249  
firearm that has been surrendered pursuant to sections 2923.26 2250  
to 2923.30 of the Revised Code shall return any surrendered 2251  
firearm requested by a respondent only after confirming, through 2252  
a background check, that the respondent is currently eligible to 2253  
own or possess firearms under federal and state law and after 2254  
confirming with the court that the extreme risk protection order 2255  
has terminated or has expired without renewal. 2256

(J) A law enforcement agency shall, if requested by a 2257  
family or household member of a respondent, provide prior notice 2258  
of the return of a firearm to a respondent to that family or 2259  
household member. 2260

(K) Any firearm surrendered by a respondent pursuant to 2261  
this section that remains unclaimed by the lawful owner shall be 2262  
disposed of in accordance with the law enforcement agency's 2263  
policies and procedures for the disposal of firearms in police 2264  
custody. 2265

**Sec. 2923.99.** (A) Except as provided in this section, 2266  
sections 2923.26 to 2923.30 of the Revised Code do not impose 2267  
criminal or civil liability on any person or entity for acts or 2268  
omissions related to obtaining an extreme risk protection order 2269  
or ex parte extreme risk protection order including for 2270  
reporting, declining to report, investigating, declining to 2271  
investigate, filing, or declining to file a petition under those 2272  
sections. 2273

(B) (1) No person shall do either of the following: 2274

(a) File a petition for an extreme risk protection order 2275  
under section 2923.26 of the Revised Code alleging that the 2276  
respondent poses a significant danger of causing personal injury 2277  
to self or others by having in the respondent's custody or 2278  
control, purchasing, possessing, or receiving a firearm if the 2279  
person knows the allegation is false; 2280

(b) File an application for an ex parte extreme risk 2281  
protection order under section 2923.27 of the Revised Code 2282  
alleging that the respondent poses a significant danger of 2283  
causing personal injury to self or others in the near future by 2284  
having custody or control of a firearm or the ability to 2285  
purchase, possess, or receive a firearm if the person knows the 2286  
allegation is false. 2287

(2) An individual injured in person or property by a 2288  
violation of division (B)(1)(a) or (b) of this section has, and 2289  
may recover full damages in, a civil action under section 2290  
2307.60 of the Revised Code. A civil action described in this 2291  
division is in addition to, and does not preclude, any possible 2292  
criminal prosecution of the person who violates division (B)(1) 2293  
(a) or (b) of this section. 2294

(3) Whoever violates division (B)(1)(a) or (b) of this 2295  
section is guilty of a felony of the fifth degree. 2296

(C)(1) No person shall acquire, have, carry, or use any 2297  
firearm with knowledge that the person is prohibited from doing 2298  
so by an order issued under this section or sections 2923.26 to 2299  
2923.30 of the Revised Code. 2300

(2) A person who violates division (C)(1) of this section 2301  
is guilty of having a firearm while under extreme risk 2302  
protection order disability. Except as provided in division (C) 2303

(3) of this section, having a firearm while under extreme risk protection order disability is a misdemeanor of the third degree. 2304  
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(3) If a person found guilty of having a firearm while under extreme risk protection order disability has two or more previous convictions for such an offense, having a firearm while under extreme risk protection order disability is a felony of the fifth degree. 2307  
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(D) In addition to the penalties prescribed in division (C) of this section, no person found guilty of having a firearm while under extreme risk protection order disability shall knowingly acquire, have, carry, or use any firearm or dangerous ordnance for a period of five years after the date the underlying extreme risk protection order expires. 2312  
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**Section 2.** That existing sections 109.57, 2923.125, 2923.128, 2923.1213, and 2923.13 of the Revised Code are hereby repealed. 2318  
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**Section 3.** Sections 2923.26 to 2923.30 and 2923.99 of the Revised Code, as enacted by this act, shall be known as the "Extreme Risk Protection Order Act." 2321  
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**Section 4.** The General Assembly, applying the principle stated in division (B) of section 1.52 of the Revised Code that amendments are to be harmonized if reasonably capable of simultaneous operation, finds that the following sections, presented in this act as composites of the sections as amended by the acts indicated, are the resulting versions of the sections in effect prior to the effective date of the sections as presented in this act: 2324  
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Section 2923.1213 of the Revised Code as amended by both 2332

H.B. 234 and S.B. 43 of the 130th General Assembly.	2333
Section 2923.13 of the Revised Code as amended by both	2334
H.B. 234 and S.B. 43 of the 130th General Assembly.	2335