

As Introduced

**132nd General Assembly
Regular Session
2017-2018**

S. B. No. 122

Senator Jordan

A BILL

To amend section 2923.126 of the Revised Code to 1
permit concealed handgun licensees to carry 2
concealed handguns in the statehouse and on its 3
grounds. 4

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

Section 1. That section 2923.126 of the Revised Code be 5
amended to read as follows: 6

Sec. 2923.126. (A) A concealed handgun license that is 7
issued under section 2923.125 of the Revised Code shall expire 8
five years after the date of issuance. A licensee who has been 9
issued a license under that section shall be granted a grace 10
period of thirty days after the licensee's license expires 11
during which the licensee's license remains valid. Except as 12
provided in divisions (B) and (C) of this section, a licensee 13
who has been issued a concealed handgun license under section 14
2923.125 or 2923.1213 of the Revised Code may carry a concealed 15
handgun anywhere in this state if the licensee also carries a 16
valid license and valid identification when the licensee is in 17
actual possession of a concealed handgun. The licensee shall 18
give notice of any change in the licensee's residence address to 19

the sheriff who issued the license within forty-five days after 20
that change. 21

If a licensee is the driver or an occupant of a motor 22
vehicle that is stopped as the result of a traffic stop or a 23
stop for another law enforcement purpose and if the licensee is 24
transporting or has a loaded handgun in the motor vehicle at 25
that time, the licensee shall promptly inform any law 26
enforcement officer who approaches the vehicle while stopped 27
that the licensee has been issued a concealed handgun license 28
and that the licensee currently possesses or has a loaded 29
handgun; the licensee shall not knowingly disregard or fail to 30
comply with lawful orders of a law enforcement officer given 31
while the motor vehicle is stopped, knowingly fail to remain in 32
the motor vehicle while stopped, or knowingly fail to keep the 33
licensee's hands in plain sight after any law enforcement 34
officer begins approaching the licensee while stopped and before 35
the officer leaves, unless directed otherwise by a law 36
enforcement officer; and the licensee shall not knowingly have 37
contact with the loaded handgun by touching it with the 38
licensee's hands or fingers, in any manner in violation of 39
division (E) of section 2923.16 of the Revised Code, after any 40
law enforcement officer begins approaching the licensee while 41
stopped and before the officer leaves. Additionally, if a 42
licensee is the driver or an occupant of a commercial motor 43
vehicle that is stopped by an employee of the motor carrier 44
enforcement unit for the purposes defined in section 5503.34 of 45
the Revised Code and if the licensee is transporting or has a 46
loaded handgun in the commercial motor vehicle at that time, the 47
licensee shall promptly inform the employee of the unit who 48
approaches the vehicle while stopped that the licensee has been 49
issued a concealed handgun license and that the licensee 50

currently possesses or has a loaded handgun. 51

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

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

(1) A police station, sheriff's office, or state highway 77
patrol station, premises controlled by the bureau of criminal 78
identification and investigation; a state correctional 79
institution, jail, workhouse, or other detention facility; any 80

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

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

(3) A courthouse or another building or structure in which 91
a courtroom is located, in violation of section 2923.123 of the 92
Revised Code; 93

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

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

(6) Any church, synagogue, mosque, or other place of 108
worship, unless the church, synagogue, mosque, or other place of 109

worship posts or permits otherwise; 110

(7) Any building other than capitol square that is a 111
government facility of this state or a political subdivision of 112
this state and that is not a building that is used primarily as 113
a shelter, restroom, parking facility for motor vehicles, or 114
rest facility and is not a courthouse or other building or 115
structure in which a courtroom is located that is subject to 116
division (B)(3) of this section, unless the governing body with 117
authority over the building has enacted a statute, ordinance, or 118
policy that permits a licensee to carry a concealed handgun into 119
the building; 120

(8) A place in which federal law prohibits the carrying of 121
handguns. 122

(C)(1) Nothing in this section shall negate or restrict a 123
rule, policy, or practice of a private employer that is not a 124
private college, university, or other institution of higher 125
education concerning or prohibiting the presence of firearms on 126
the private employer's premises or property, including motor 127
vehicles owned by the private employer. Nothing in this section 128
shall require a private employer of that nature to adopt a rule, 129
policy, or practice concerning or prohibiting the presence of 130
firearms on the private employer's premises or property, 131
including motor vehicles owned by the private employer. 132

(2)(a) A private employer shall be immune from liability 133
in a civil action for any injury, death, or loss to person or 134
property that allegedly was caused by or related to a licensee 135
bringing a handgun onto the premises or property of the private 136
employer, including motor vehicles owned by the private 137
employer, unless the private employer acted with malicious 138
purpose. A private employer is immune from liability in a civil 139

action for any injury, death, or loss to person or property that 140
allegedly was caused by or related to the private employer's 141
decision to permit a licensee to bring, or prohibit a licensee 142
from bringing, a handgun onto the premises or property of the 143
private employer. 144

(b) A political subdivision shall be immune from liability 145
in a civil action, to the extent and in the manner provided in 146
Chapter 2744. of the Revised Code, for any injury, death, or 147
loss to person or property that allegedly was caused by or 148
related to a licensee bringing a handgun onto any premises or 149
property owned, leased, or otherwise under the control of the 150
political subdivision. As used in this division, "political 151
subdivision" has the same meaning as in section 2744.01 of the 152
Revised Code. 153

(c) An institution of higher education shall be immune 154
from liability in a civil action for any injury, death, or loss 155
to person or property that allegedly was caused by or related to 156
a licensee bringing a handgun onto the premises of the 157
institution, including motor vehicles owned by the institution, 158
unless the institution acted with malicious purpose. An 159
institution of higher education is immune from liability in a 160
civil action for any injury, death, or loss to person or 161
property that allegedly was caused by or related to the 162
institution's decision to permit a licensee or class of 163
licensees to bring a handgun onto the premises of the 164
institution. 165

(3) (a) Except as provided in division (C) (3) (b) of this 166
section, the owner or person in control of private land or 167
premises, and a private person or entity leasing land or 168
premises owned by the state, the United States, or a political 169

subdivision of the state or the United States, may post a sign 170
in a conspicuous location on that land or on those premises 171
prohibiting persons from carrying firearms or concealed firearms 172
on or onto that land or those premises. Except as otherwise 173
provided in this division, a person who knowingly violates a 174
posted prohibition of that nature is guilty of criminal trespass 175
in violation of division (A) (4) of section 2911.21 of the 176
Revised Code and is guilty of a misdemeanor of the fourth 177
degree. If a person knowingly violates a posted prohibition of 178
that nature and the posted land or premises primarily was a 179
parking lot or other parking facility, the person is not guilty 180
of criminal trespass under section 2911.21 of the Revised Code 181
or under any other criminal law of this state or criminal law, 182
ordinance, or resolution of a political subdivision of this 183
state, and instead is subject only to a civil cause of action 184
for trespass based on the violation. 185

If a person knowingly violates a posted prohibition of the 186
nature described in this division and the posted land or 187
premises is a child day-care center, type A family day-care 188
home, or type B family day-care home, unless the person is a 189
licensee who resides in a type A family day-care home or type B 190
family day-care home, the person is guilty of aggravated 191
trespass in violation of section 2911.211 of the Revised Code. 192
Except as otherwise provided in this division, the offender is 193
guilty of a misdemeanor of the first degree. If the person 194
previously has been convicted of a violation of this division or 195
of any offense of violence, if the weapon involved is a firearm 196
that is either loaded or for which the offender has ammunition 197
ready at hand, or if the weapon involved is dangerous ordnance, 198
the offender is guilty of a felony of the fourth degree. 199

(b) A landlord may not prohibit or restrict a tenant who 200

is a licensee and who on or after September 9, 2008, enters into 201
a rental agreement with the landlord for the use of residential 202
premises, and the tenant's guest while the tenant is present, 203
from lawfully carrying or possessing a handgun on those 204
residential premises. 205

(c) As used in division (C)(3) of this section: 206

(i) "Residential premises" has the same meaning as in 207
section 5321.01 of the Revised Code, except "residential 208
premises" does not include a dwelling unit that is owned or 209
operated by a college or university. 210

(ii) "Landlord," "tenant," and "rental agreement" have the 211
same meanings as in section 5321.01 of the Revised Code. 212

(D) A person who holds a valid concealed handgun license 213
issued by another state that is recognized by the attorney 214
general pursuant to a reciprocity agreement entered into 215
pursuant to section 109.69 of the Revised Code or a person who 216
holds a valid concealed handgun license under the circumstances 217
described in division (B) of section 109.69 of the Revised Code 218
has the same right to carry a concealed handgun in this state as 219
a person who was issued a concealed handgun license under 220
section 2923.125 of the Revised Code and is subject to the same 221
restrictions that apply to a person who carries a license issued 222
under that section. 223

(E)(1) A peace officer has the same right to carry a 224
concealed handgun in this state as a person who was issued a 225
concealed handgun license under section 2923.125 of the Revised 226
Code. For purposes of reciprocity with other states, a peace 227
officer shall be considered to be a licensee in this state. 228

(2) An active duty member of the armed forces of the 229

United States who is carrying a valid military identification 230
card and documentation of successful completion of firearms 231
training that meets or exceeds the training requirements 232
described in division (G) (1) of section 2923.125 of the Revised 233
Code has the same right to carry a concealed handgun in this 234
state as a person who was issued a concealed handgun license 235
under section 2923.125 of the Revised Code and is subject to the 236
same restrictions as specified in this section. 237

(F) (1) A qualified retired peace officer who possesses a 238
retired peace officer identification card issued pursuant to 239
division (F) (2) of this section and a valid firearms 240
requalification certification issued pursuant to division (F) (3) 241
of this section has the same right to carry a concealed handgun 242
in this state as a person who was issued a concealed handgun 243
license under section 2923.125 of the Revised Code and is 244
subject to the same restrictions that apply to a person who 245
carries a license issued under that section. For purposes of 246
reciprocity with other states, a qualified retired peace officer 247
who possesses a retired peace officer identification card issued 248
pursuant to division (F) (2) of this section and a valid firearms 249
requalification certification issued pursuant to division (F) (3) 250
of this section shall be considered to be a licensee in this 251
state. 252

(2) (a) Each public agency of this state or of a political 253
subdivision of this state that is served by one or more peace 254
officers shall issue a retired peace officer identification card 255
to any person who retired from service as a peace officer with 256
that agency, if the issuance is in accordance with the agency's 257
policies and procedures and if the person, with respect to the 258
person's service with that agency, satisfies all of the 259
following: 260

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

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

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

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

(b) A retired peace officer identification card issued to a person under division (F) (2) (a) of this section shall identify the person by name, contain a photograph of the person, identify the public agency of this state or of the political subdivision of this state from which the person retired as a peace officer and that is issuing the identification card, and specify that the person retired in good standing from service as a peace officer with the issuing public agency and satisfies the criteria set forth in divisions (F) (2) (a) (i) to (iv) of this section. In addition to the required content specified in this division, a retired peace officer identification card issued to

a person under division (F) (2) (a) of this section may include 291
the firearms requalification certification described in division 292
(F) (3) of this section, and if the identification card includes 293
that certification, the identification card shall serve as the 294
firearms requalification certification for the retired peace 295
officer. If the issuing public agency issues credentials to 296
active law enforcement officers who serve the agency, the agency 297
may comply with division (F) (2) (a) of this section by issuing 298
the same credentials to persons who retired from service as a 299
peace officer with the agency and who satisfy the criteria set 300
forth in divisions (F) (2) (a) (i) to (iv) of this section, 301
provided that the credentials so issued to retired peace 302
officers are stamped with the word "RETIRED." 303

(c) A public agency of this state or of a political 304
subdivision of this state may charge persons who retired from 305
service as a peace officer with the agency a reasonable fee for 306
issuing to the person a retired peace officer identification 307
card pursuant to division (F) (2) (a) of this section. 308

(3) If a person retired from service as a peace officer 309
with a public agency of this state or of a political subdivision 310
of this state and the person satisfies the criteria set forth in 311
divisions (F) (2) (a) (i) to (iv) of this section, the public 312
agency may provide the retired peace officer with the 313
opportunity to attend a firearms requalification program that is 314
approved for purposes of firearms requalification required under 315
section 109.801 of the Revised Code. The retired peace officer 316
may be required to pay the cost of the course. 317

If a retired peace officer who satisfies the criteria set 318
forth in divisions (F) (2) (a) (i) to (iv) of this section attends 319
a firearms requalification program that is approved for purposes 320

of firearms requalification required under section 109.801 of 321
the Revised Code, the retired peace officer's successful 322
completion of the firearms requalification program requalifies 323
the retired peace officer for purposes of division (F) of this 324
section for five years from the date on which the program was 325
successfully completed, and the requalification is valid during 326
that five-year period. If a retired peace officer who satisfies 327
the criteria set forth in divisions (F) (2) (a) (i) to (iv) of this 328
section satisfactorily completes such a firearms requalification 329
program, the retired peace officer shall be issued a firearms 330
requalification certification that identifies the retired peace 331
officer by name, identifies the entity that taught the program, 332
specifies that the retired peace officer successfully completed 333
the program, specifies the date on which the course was 334
successfully completed, and specifies that the requalification 335
is valid for five years from that date of successful completion. 336
The firearms requalification certification for a retired peace 337
officer may be included in the retired peace officer 338
identification card issued to the retired peace officer under 339
division (F) (2) of this section. 340

A retired peace officer who attends a firearms 341
requalification program that is approved for purposes of 342
firearms requalification required under section 109.801 of the 343
Revised Code may be required to pay the cost of the program. 344

(G) As used in this section: 345

(1) "Qualified retired peace officer" means a person who 346
satisfies all of the following: 347

(a) The person satisfies the criteria set forth in 348
divisions (F) (2) (a) (i) to (v) of this section. 349

(b) The person is not under the influence of alcohol or another intoxicating or hallucinatory drug or substance.	350 351
(c) The person is not prohibited by federal law from receiving firearms.	352 353
(2) "Retired peace officer identification card" means an identification card that is issued pursuant to division (F) (2) of this section to a person who is a retired peace officer.	354 355 356
(3) "Government facility of this state or a political subdivision of this state" means any of the following:	357 358
(a) A building or part of a building that is owned or leased by the government of this state or a political subdivision of this state and where employees of the government of this state or the political subdivision regularly are present for the purpose of performing their official duties as employees of the state or political subdivision;	359 360 361 362 363 364
(b) The office of a deputy registrar serving pursuant to Chapter 4503. of the Revised Code that is used to perform deputy registrar functions.	365 366 367
(4) "Governing body" has the same meaning as in section 154.01 of the Revised Code.	368 369
<u>(5) "Capitol square" has the same meaning as in section 105.41 of the Revised Code.</u>	370 371
Section 2. That existing section 2923.126 of the Revised Code is hereby repealed.	372 373