

As Introduced

133rd General Assembly

Regular Session

2019-2020

H. B. No. 316

Representatives Russo, Sweeney

**Cosponsors: Representatives Sykes, Crawley, Kelly, Leland, Miranda, Boggs,
Weinstein, Upchurch, Miller, J., Skindell, Lightbody, Sobecki, Crossman,
Robinson, Clites, Liston, Denson, Brown, West, Lepore-Hagan, Galonski, Smith,
K., Miller, A.**

A BILL

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

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

Section 1. That sections 109.57, 2923.125, 2923.128, and 10
2923.13 be amended and sections 2923.26, 2923.27, 2923.28, 11
2923.29, 2923.30, and 2923.99 of the Revised Code be enacted to 12
read as follows: 13

Sec. 109.57. (A) (1) The superintendent of the bureau of 14
criminal identification and investigation shall procure from 15
wherever procurable and file for record photographs, pictures, 16

descriptions, fingerprints, measurements, and other information 17
that may be pertinent of all persons who have been convicted of 18
committing within this state a felony, any crime constituting a 19
misdemeanor on the first offense and a felony on subsequent 20
offenses, or any misdemeanor described in division (A) (1) (a), 21
(A) (5) (a), or (A) (7) (a) of section 109.572 of the Revised Code, 22
of all children under eighteen years of age who have been 23
adjudicated delinquent children for committing within this state 24
an act that would be a felony or an offense of violence if 25
committed by an adult or who have been convicted of or pleaded 26
guilty to committing within this state a felony or an offense of 27
violence, and of all well-known and habitual criminals. The 28
person in charge of any county, multicounty, municipal, 29
municipal-county, or multicounty-municipal jail or workhouse, 30
community-based correctional facility, halfway house, 31
alternative residential facility, or state correctional 32
institution and the person in charge of any state institution 33
having custody of a person suspected of having committed a 34
felony, any crime constituting a misdemeanor on the first 35
offense and a felony on subsequent offenses, or any misdemeanor 36
described in division (A) (1) (a), (A) (5) (a), or (A) (7) (a) of 37
section 109.572 of the Revised Code or having custody of a child 38
under eighteen years of age with respect to whom there is 39
probable cause to believe that the child may have committed an 40
act that would be a felony or an offense of violence if 41
committed by an adult shall furnish such material to the 42
superintendent of the bureau. Fingerprints, photographs, or 43
other descriptive information of a child who is under eighteen 44
years of age, has not been arrested or otherwise taken into 45
custody for committing an act that would be a felony or an 46
offense of violence who is not in any other category of child 47
specified in this division, if committed by an adult, has not 48

been adjudicated a delinquent child for committing an act that 49
would be a felony or an offense of violence if committed by an 50
adult, has not been convicted of or pleaded guilty to committing 51
a felony or an offense of violence, and is not a child with 52
respect to whom there is probable cause to believe that the 53
child may have committed an act that would be a felony or an 54
offense of violence if committed by an adult shall not be 55
procured by the superintendent or furnished by any person in 56
charge of any county, multicounty, municipal, municipal-county, 57
or multicounty-municipal jail or workhouse, community-based 58
correctional facility, halfway house, alternative residential 59
facility, or state correctional institution, except as 60
authorized in section 2151.313 of the Revised Code. 61

(2) Every clerk of a court of record in this state, other 62
than the supreme court or a court of appeals, shall send to the 63
superintendent of the bureau a weekly report containing a 64
summary of each case involving a felony, involving any crime 65
constituting a misdemeanor on the first offense and a felony on 66
subsequent offenses, involving a misdemeanor described in 67
division (A) (1) (a), (A) (5) (a), or (A) (7) (a) of section 109.572 68
of the Revised Code, or involving an adjudication in a case in 69
which a child under eighteen years of age was alleged to be a 70
delinquent child for committing an act that would be a felony or 71
an offense of violence if committed by an adult. The clerk of 72
the court of common pleas shall include in the report and 73
summary the clerk sends under this division all information 74
described in divisions (A) (2) (a) to (f) of this section 75
regarding a case before the court of appeals that is served by 76
that clerk. The summary shall be written on the standard forms 77
furnished by the superintendent pursuant to division (B) of this 78
section and shall include the following information: 79

(a) The incident tracking number contained on the standard forms furnished by the superintendent pursuant to division (B) of this section;	80 81 82
(b) The style and number of the case;	83
(c) The date of arrest, offense, summons, or arraignment;	84
(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;	85 86 87 88 89 90 91 92 93 94 95 96
(e) A statement of the original charge with the section of the Revised Code that was alleged to be violated;	97 98
(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.	99 100 101 102
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.	103 104 105 106 107
(3) The superintendent shall cooperate with and assist	108

sheriffs, chiefs of police, and other law enforcement officers 109
in the establishment of a complete system of criminal 110
identification and in obtaining fingerprints and other means of 111
identification of all persons arrested on a charge of a felony, 112
any crime constituting a misdemeanor on the first offense and a 113
felony on subsequent offenses, or a misdemeanor described in 114
division (A) (1) (a), (A) (5) (a), or (A) (7) (a) of section 109.572 115
of the Revised Code and of all children under eighteen years of 116
age arrested or otherwise taken into custody for committing an 117
act that would be a felony or an offense of violence if 118
committed by an adult. The superintendent also shall file for 119
record the fingerprint impressions of all persons confined in a 120
county, multicounty, municipal, municipal-county, or 121
multicounty-municipal jail or workhouse, community-based 122
correctional facility, halfway house, alternative residential 123
facility, or state correctional institution for the violation of 124
state laws and of all children under eighteen years of age who 125
are confined in a county, multicounty, municipal, municipal- 126
county, or multicounty-municipal jail or workhouse, community- 127
based correctional facility, halfway house, alternative 128
residential facility, or state correctional institution or in 129
any facility for delinquent children for committing an act that 130
would be a felony or an offense of violence if committed by an 131
adult, and any other information that the superintendent may 132
receive from law enforcement officials of the state and its 133
political subdivisions. 134

(4) The superintendent shall carry out Chapter 2950. of 135
the Revised Code with respect to the registration of persons who 136
are convicted of or plead guilty to a sexually oriented offense 137
or a child-victim oriented offense and with respect to all other 138
duties imposed on the bureau under that chapter. 139

(5) The bureau shall perform centralized recordkeeping 140
functions for criminal history records and services in this 141
state for purposes of the national crime prevention and privacy 142
compact set forth in section 109.571 of the Revised Code and is 143
the criminal history record repository as defined in that 144
section for purposes of that compact. The superintendent or the 145
superintendent's designee is the compact officer for purposes of 146
that compact and shall carry out the responsibilities of the 147
compact officer specified in that compact. 148

(6) The superintendent shall, upon request, assist a 149
county coroner in the identification of a deceased person 150
through the use of fingerprint impressions obtained pursuant to 151
division (A)(1) of this section or collected pursuant to section 152
109.572 or 311.41 of the Revised Code. 153

(B) The superintendent shall prepare and furnish to every 154
county, multicounty, municipal, municipal-county, or 155
multicounty-municipal jail or workhouse, community-based 156
correctional facility, halfway house, alternative residential 157
facility, or state correctional institution and to every clerk 158
of a court in this state specified in division (A)(2) of this 159
section standard forms for reporting the information required 160
under division (A) of this section. The standard forms that the 161
superintendent prepares pursuant to this division may be in a 162
tangible format, in an electronic format, or in both tangible 163
formats and electronic formats. 164

(C) (1) The superintendent may operate a center for 165
electronic, automated, or other data processing for the storage 166
and retrieval of information, data, and statistics pertaining to 167
criminals and to children under eighteen years of age who are 168
adjudicated delinquent children for committing an act that would 169

be a felony or an offense of violence if committed by an adult, 170
criminal activity, crime prevention, law enforcement, and 171
criminal justice, and may establish and operate a statewide 172
communications network to be known as the Ohio law enforcement 173
gateway to gather and disseminate information, data, and 174
statistics for the use of law enforcement agencies and for other 175
uses specified in this division. The superintendent may gather, 176
store, retrieve, and disseminate information, data, and 177
statistics that pertain to children who are under eighteen years 178
of age and that are gathered pursuant to sections 109.57 to 179
109.61 of the Revised Code together with information, data, and 180
statistics that pertain to adults and that are gathered pursuant 181
to those sections. 182

(2) The superintendent or the superintendent's designee 183
shall gather information of the nature described in division (C) 184
(1) of this section that pertains to the offense and delinquency 185
history of a person who has been convicted of, pleaded guilty 186
to, or been adjudicated a delinquent child for committing a 187
sexually oriented offense or a child-victim oriented offense for 188
inclusion in the state registry of sex offenders and child- 189
victim offenders maintained pursuant to division (A)(1) of 190
section 2950.13 of the Revised Code and in the internet database 191
operated pursuant to division (A)(13) of that section and for 192
possible inclusion in the internet database operated pursuant to 193
division (A)(11) of that section. 194

(3) In addition to any other authorized use of 195
information, data, and statistics of the nature described in 196
division (C)(1) of this section, the superintendent or the 197
superintendent's designee may provide and exchange the 198
information, data, and statistics pursuant to the national crime 199
prevention and privacy compact as described in division (A)(5) 200

of this section.	201
(4) The Ohio law enforcement gateway shall contain the	202
name, confidential address, and telephone number of program	203
participants in the address confidentiality program established	204
under sections 111.41 to 111.47 of the Revised Code.	205
(5) The attorney general may adopt rules under Chapter	206
119. of the Revised Code establishing guidelines for the	207
operation of and participation in the Ohio law enforcement	208
gateway. The rules may include criteria for granting and	209
restricting access to information gathered and disseminated	210
through the Ohio law enforcement gateway. The attorney general	211
shall adopt rules under Chapter 119. of the Revised Code that	212
grant access to information in the gateway regarding an address	213
confidentiality program participant under sections 111.41 to	214
111.47 of the Revised Code to only chiefs of police, village	215
marshals, county sheriffs, county prosecuting attorneys, and a	216
designee of each of these individuals. The attorney general	217
shall permit the state medical board and board of nursing to	218
access and view, but not alter, information gathered and	219
disseminated through the Ohio law enforcement gateway.	220
The attorney general may appoint a steering committee to	221
advise the attorney general in the operation of the Ohio law	222
enforcement gateway that is comprised of persons who are	223
representatives of the criminal justice agencies in this state	224
that use the Ohio law enforcement gateway and is chaired by the	225
superintendent or the superintendent's designee.	226
(D) (1) The following are not public records under section	227
149.43 of the Revised Code:	228
(a) Information and materials furnished to the	229

superintendent pursuant to division (A) of this section;	230
(b) Information, data, and statistics gathered or	231
disseminated through the Ohio law enforcement gateway pursuant	232
to division (C) (1) of this section;	233
(c) Information and materials furnished to any board or	234
person under division (F) or (G) of this section.	235
(2) The superintendent or the superintendent's designee	236
shall gather and retain information so furnished under division	237
(A) of this section that pertains to the offense and delinquency	238
history of a person who has been convicted of, pleaded guilty	239
to, or been adjudicated a delinquent child for committing a	240
sexually oriented offense or a child-victim oriented offense for	241
the purposes described in division (C) (2) of this section.	242
(E) (1) The attorney general shall adopt rules, in	243
accordance with Chapter 119. of the Revised Code and subject to	244
division (E) (2) of this section, setting forth the procedure by	245
which a person may receive or release information gathered by	246
the superintendent pursuant to division (A) of this section. A	247
reasonable fee may be charged for this service. If a temporary	248
employment service submits a request for a determination of	249
whether a person the service plans to refer to an employment	250
position has been convicted of or pleaded guilty to an offense	251
listed or described in division (A) (1), (2), or (3) of section	252
109.572 of the Revised Code, the request shall be treated as a	253
single request and only one fee shall be charged.	254
(2) Except as otherwise provided in this division or	255
division (E) (3) or (4) of this section, a rule adopted under	256
division (E) (1) of this section may provide only for the release	257
of information gathered pursuant to division (A) of this section	258

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:	289
(a) The arrest was made outside of this state.	290
(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.	291 292 293 294
(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.	295 296 297
(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.	298 299 300 301 302 303 304 305 306 307 308 309 310 311 312
(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.	313 314 315 316 317

(2) (a) In addition to or in conjunction with any request 318
that is required to be made under section 109.572, 2151.86, 319
3301.32, 3301.541, division (C) of section 3310.58, or section 320
3319.39, 3319.391, 3327.10, 3701.881, 5104.013, 5123.081, or 321
5153.111 of the Revised Code or that is made under section 322
3314.41, 3319.392, 3326.25, or 3328.20 of the Revised Code, the 323
board of education of any school district; the director of 324
developmental disabilities; any county board of developmental 325
disabilities; any provider or subcontractor as defined in 326
section 5123.081 of the Revised Code; the chief administrator of 327
any chartered nonpublic school; the chief administrator of a 328
registered private provider that is not also a chartered 329
nonpublic school; the chief administrator of any home health 330
agency; the chief administrator of or person operating any child 331
day-care center, type A family day-care home, or type B family 332
day-care home licensed under Chapter 5104. of the Revised Code; 333
the chief administrator of any head start agency; the executive 334
director of a public children services agency; a private company 335
described in section 3314.41, 3319.392, 3326.25, or 3328.20 of 336
the Revised Code; or an employer described in division (J) (2) of 337
section 3327.10 of the Revised Code may request that the 338
superintendent of the bureau investigate and determine, with 339
respect to any individual who has applied for employment in any 340
position after October 2, 1989, or any individual wishing to 341
apply for employment with a board of education may request, with 342
regard to the individual, whether the bureau has any information 343
gathered under division (A) of this section that pertains to 344
that individual. On receipt of the request, subject to division 345
(E) (2) of this section, the superintendent shall determine 346
whether that information exists and, upon request of the person, 347
board, or entity requesting information, also shall request from 348
the federal bureau of investigation any criminal records it has 349

pertaining to that individual. The superintendent or the 350
superintendent's designee also may request criminal history 351
records from other states or the federal government pursuant to 352
the national crime prevention and privacy compact set forth in 353
section 109.571 of the Revised Code. Within thirty days of the 354
date that the superintendent receives a request, subject to 355
division (E) (2) of this section, the superintendent shall send 356
to the board, entity, or person a report of any information that 357
the superintendent determines exists, including information 358
contained in records that have been sealed under section 2953.32 359
of the Revised Code, and, within thirty days of its receipt, 360
subject to division (E) (2) of this section, shall send the 361
board, entity, or person a report of any information received 362
from the federal bureau of investigation, other than information 363
the dissemination of which is prohibited by federal law. 364

(b) When a board of education or a registered private 365
provider is required to receive information under this section 366
as a prerequisite to employment of an individual pursuant to 367
division (C) of section 3310.58 or section 3319.39 of the 368
Revised Code, it may accept a certified copy of records that 369
were issued by the bureau of criminal identification and 370
investigation and that are presented by an individual applying 371
for employment with the district in lieu of requesting that 372
information itself. In such a case, the board shall accept the 373
certified copy issued by the bureau in order to make a photocopy 374
of it for that individual's employment application documents and 375
shall return the certified copy to the individual. In a case of 376
that nature, a district or provider only shall accept a 377
certified copy of records of that nature within one year after 378
the date of their issuance by the bureau. 379

(c) Notwithstanding division (F) (2) (a) of this section, in 380

the case of a request under section 3319.39, 3319.391, or 381
3327.10 of the Revised Code only for criminal records maintained 382
by the federal bureau of investigation, the superintendent shall 383
not determine whether any information gathered under division 384
(A) of this section exists on the person for whom the request is 385
made. 386

(3) The state board of education may request, with respect 387
to any individual who has applied for employment after October 388
2, 1989, in any position with the state board or the department 389
of education, any information that a school district board of 390
education is authorized to request under division (F) (2) of this 391
section, and the superintendent of the bureau shall proceed as 392
if the request has been received from a school district board of 393
education under division (F) (2) of this section. 394

(4) When the superintendent of the bureau receives a 395
request for information under section 3319.291 of the Revised 396
Code, the superintendent shall proceed as if the request has 397
been received from a school district board of education and 398
shall comply with divisions (F) (2) (a) and (c) of this section. 399

(G) In addition to or in conjunction with any request that 400
is required to be made under section 3701.881, 3712.09, or 401
3721.121 of the Revised Code with respect to an individual who 402
has applied for employment in a position that involves providing 403
direct care to an older adult or adult resident, the chief 404
administrator of a home health agency, hospice care program, 405
home licensed under Chapter 3721. of the Revised Code, or adult 406
day-care program operated pursuant to rules adopted under 407
section 3721.04 of the Revised Code may request that the 408
superintendent of the bureau investigate and determine, with 409
respect to any individual who has applied after January 27, 410

1997, for employment in a position that does not involve 411
providing direct care to an older adult or adult resident, 412
whether the bureau has any information gathered under division 413
(A) of this section that pertains to that individual. 414

In addition to or in conjunction with any request that is 415
required to be made under section 173.27 of the Revised Code 416
with respect to an individual who has applied for employment in 417
a position that involves providing ombudsman services to 418
residents of long-term care facilities or recipients of 419
community-based long-term care services, the state long-term 420
care ombudsman, the director of aging, a regional long-term care 421
ombudsman program, or the designee of the ombudsman, director, 422
or program may request that the superintendent investigate and 423
determine, with respect to any individual who has applied for 424
employment in a position that does not involve providing such 425
ombudsman services, whether the bureau has any information 426
gathered under division (A) of this section that pertains to 427
that applicant. 428

In addition to or in conjunction with any request that is 429
required to be made under section 173.38 of the Revised Code 430
with respect to an individual who has applied for employment in 431
a direct-care position, the chief administrator of a provider, 432
as defined in section 173.39 of the Revised Code, may request 433
that the superintendent investigate and determine, with respect 434
to any individual who has applied for employment in a position 435
that is not a direct-care position, whether the bureau has any 436
information gathered under division (A) of this section that 437
pertains to that applicant. 438

In addition to or in conjunction with any request that is 439
required to be made under section 3712.09 of the Revised Code 440

with respect to an individual who has applied for employment in 441
a position that involves providing direct care to a pediatric 442
respite care patient, the chief administrator of a pediatric 443
respite care program may request that the superintendent of the 444
bureau investigate and determine, with respect to any individual 445
who has applied for employment in a position that does not 446
involve providing direct care to a pediatric respite care 447
patient, whether the bureau has any information gathered under 448
division (A) of this section that pertains to that individual. 449

On receipt of a request under this division, the 450
superintendent shall determine whether that information exists 451
and, on request of the individual requesting information, shall 452
also request from the federal bureau of investigation any 453
criminal records it has pertaining to the applicant. The 454
superintendent or the superintendent's designee also may request 455
criminal history records from other states or the federal 456
government pursuant to the national crime prevention and privacy 457
compact set forth in section 109.571 of the Revised Code. Within 458
thirty days of the date a request is received, subject to 459
division (E)(2) of this section, the superintendent shall send 460
to the requester a report of any information determined to 461
exist, including information contained in records that have been 462
sealed under section 2953.32 of the Revised Code, and, within 463
thirty days of its receipt, shall send the requester a report of 464
any information received from the federal bureau of 465
investigation, other than information the dissemination of which 466
is prohibited by federal law. 467

(H) Information obtained by a government entity or person 468
under this section is confidential and shall not be released or 469
disseminated. 470

(I) The superintendent may charge a reasonable fee for 471
providing information or criminal records under division (F) (2) 472
or (G) of this section. 473

(J) (1) The superintendent shall develop and prepare 474
instructions and informational brochures, standard petitions, 475
and extreme risk protection order forms, and a court staff 476
handbook on the extreme risk protection order process. The 477
standard petitions and order forms shall be prepared and 478
available for use not later than six months after the effective 479
date of this amendment, for all petitions filed and orders 480
issued under sections 2923.26 to 2923.30 of the Revised Code. 481
The instructions, brochures, forms, and handbook shall be 482
prepared in consultation with interested parties, including 483
representatives of gun violence prevention groups, judges, and 484
law enforcement personnel. Materials shall be based on best 485
practices and shall be made available online to the public. 486

(2) The instructions shall be designed to assist 487
petitioners in completing the petition, and shall include a 488
sample of a standard petition and extreme risk protection order 489
form. 490

(3) The instructions and standard petition shall include a 491
means for the petitioner to identify, without special knowledge, 492
the firearms the respondent may own, possess, receive, or have 493
in the respondent's custody or control. The instructions shall 494
provide pictures of types of firearms that the petitioner may 495
choose from to identify the relevant firearms, or an equivalent 496
means to allow petitioners to identify firearms without 497
requiring specific or technical knowledge regarding the 498
firearms. 499

(4) The informational brochure shall describe the use of 500

and the process for obtaining, modifying, and terminating an 501
extreme risk protection order under sections 2923.26 to 2923.30 502
of the Revised Code and provide relevant forms. 503

(5) The extreme risk protection order form shall include, 504
in a conspicuous location, notice of criminal penalties 505
resulting from a violation of the order, and the following 506
statement: 507

"You have the sole responsibility to avoid or refrain from 508
violating this order's provisions. Only the court can change the 509
order and only upon written application." 510

(6) The court staff handbook shall allow for a clerk of 511
court to add to the handbook a community resource list. 512

(7) The superintendent shall distribute a master copy of 513
the petition and order forms, instructions, and informational 514
brochures to every clerk of court and shall distribute a master 515
copy of the petition and order forms to all county courts, 516
municipal courts, and courts of common pleas. 517

(8) The superintendent shall distribute all documents in 518
an electronic format or formats accessible to all courts and 519
clerks of court in the state and may additionally distribute the 520
documents in other formats. 521

(9) The superintendent shall determine the significant 522
non-English-speaking or limited English-speaking populations in 523
the state and arrange for translation of the instructions and 524
informational brochures required by this section into the 525
languages spoken by those populations. The translated 526
instructions and informational brochures shall contain a sample 527
of the standard petition and order for protection forms. The 528
superintendent shall distribute a master copy of the translated 529

instructions and informational brochures to every clerk of court 530
not later than one year after the effective date of this 531
amendment. 532

(10) The superintendent shall update the instructions, 533
brochures, standard petitions and extreme risk protection order 534
forms, and court staff handbook as necessary, including when 535
changes in the law make an update necessary. 536

(11) Any assistance or information provided by a clerk of 537
court under division (J) of this section does not constitute the 538
practice of law. 539

(K) In addition to informational brochures and materials 540
made available by the superintendent under division (J) of this 541
section, each clerk of court may create a community resource 542
list of crisis intervention, mental health, substance abuse, 543
interpreter, counseling, and other relevant resources serving 544
the county in which the court is located. 545

(L) As used in this section: 546

(1) "Pediatric respite care program" and "pediatric care 547
patient" have the same meanings as in section 3712.01 of the 548
Revised Code. 549

(2) "Sexually oriented offense" and "child-victim oriented 550
offense" have the same meanings as in section 2950.01 of the 551
Revised Code. 552

(3) "Registered private provider" means a nonpublic school 553
or entity registered with the superintendent of public 554
instruction under section 3310.41 of the Revised Code to 555
participate in the autism scholarship program or section 3310.58 556
of the Revised Code to participate in the Jon Peterson special 557
needs scholarship program. 558

(4) "Extreme risk protection order" has the same meaning 559
as in section 2923.26 of the Revised Code. 560

Sec. 2923.125. It is the intent of the general assembly 561
that Ohio concealed handgun license law be compliant with the 562
national instant criminal background check system, that the 563
bureau of alcohol, tobacco, firearms, and explosives is able to 564
determine that Ohio law is compliant with the national instant 565
criminal background check system, and that no person shall be 566
eligible to receive a concealed handgun license permit under 567
section 2923.125 or 2923.1213 of the Revised Code unless the 568
person is eligible lawfully to receive or possess a firearm in 569
the United States. 570

(A) This section applies with respect to the application 571
for and issuance by this state of concealed handgun licenses 572
other than concealed handgun licenses on a temporary emergency 573
basis that are issued under section 2923.1213 of the Revised 574
Code. Upon the request of a person who wishes to obtain a 575
concealed handgun license with respect to which this section 576
applies or to renew a concealed handgun license with respect to 577
which this section applies, a sheriff, as provided in division 578
(I) of this section, shall provide to the person free of charge 579
an application form and the web site address at which a 580
printable version of the application form that can be downloaded 581
and the pamphlet described in division (B) of section 109.731 of 582
the Revised Code may be found. A sheriff shall accept a 583
completed application form and the fee, items, materials, and 584
information specified in divisions (B)(1) to (5) of this section 585
at the times and in the manners described in division (I) of 586
this section. 587

(B) An applicant for a concealed handgun license who is a 588

resident of this state shall submit a completed application form 589
and all of the material and information described in divisions 590
(B) (1) to (6) of this section to the sheriff of the county in 591
which the applicant resides or to the sheriff of any county 592
adjacent to the county in which the applicant resides. An 593
applicant for a license who resides in another state shall 594
submit a completed application form and all of the material and 595
information described in divisions (B) (1) to (7) of this section 596
to the sheriff of the county in which the applicant is employed 597
or to the sheriff of any county adjacent to the county in which 598
the applicant is employed: 599

(1) (a) A nonrefundable license fee as described in either 600
of the following: 601

(i) For an applicant who has been a resident of this state 602
for five or more years, a fee of sixty-seven dollars; 603

(ii) For an applicant who has been a resident of this 604
state for less than five years or who is not a resident of this 605
state, but who is employed in this state, a fee of sixty-seven 606
dollars plus the actual cost of having a background check 607
performed by the federal bureau of investigation. 608

(b) No sheriff shall require an applicant to pay for the 609
cost of a background check performed by the bureau of criminal 610
identification and investigation. 611

(c) A sheriff shall waive the payment of the license fee 612
described in division (B) (1) (a) of this section in connection 613
with an initial or renewal application for a license that is 614
submitted by an applicant who is an active or reserve member of 615
the armed forces of the United States or has retired from or was 616
honorably discharged from military service in the active or 617

reserve armed forces of the United States, a retired peace 618
officer, a retired person described in division (B) (1) (b) of 619
section 109.77 of the Revised Code, or a retired federal law 620
enforcement officer who, prior to retirement, was authorized 621
under federal law to carry a firearm in the course of duty, 622
unless the retired peace officer, person, or federal law 623
enforcement officer retired as the result of a mental 624
disability. 625

(d) The sheriff shall deposit all fees paid by an 626
applicant under division (B) (1) (a) of this section into the 627
sheriff's concealed handgun license issuance fund established 628
pursuant to section 311.42 of the Revised Code. The county shall 629
distribute the fees in accordance with section 311.42 of the 630
Revised Code. 631

(2) A color photograph of the applicant that was taken 632
within thirty days prior to the date of the application; 633

(3) One or more of the following competency 634
certifications, each of which shall reflect that, regarding a 635
certification described in division (B) (3) (a), (b), (c), (e), or 636
(f) of this section, within the three years immediately 637
preceding the application the applicant has performed that to 638
which the competency certification relates and that, regarding a 639
certification described in division (B) (3) (d) of this section, 640
the applicant currently is an active or reserve member of the 641
armed forces of the United States, the applicant has retired 642
from or was honorably discharged from military service in the 643
active or reserve armed forces of the United States, or within 644
the ten years immediately preceding the application the 645
retirement of the peace officer, person described in division 646
(B) (1) (b) of section 109.77 of the Revised Code, or federal law 647

enforcement officer to which the competency certification 648
relates occurred: 649

(a) An original or photocopy of a certificate of 650
completion of a firearms safety, training, or requalification or 651
firearms safety instructor course, class, or program that was 652
offered by or under the auspices of a national gun advocacy 653
organization and that complies with the requirements set forth 654
in division (G) of this section; 655

(b) An original or photocopy of a certificate of 656
completion of a firearms safety, training, or requalification or 657
firearms safety instructor course, class, or program that 658
satisfies all of the following criteria: 659

(i) It was open to members of the general public. 660

(ii) It utilized qualified instructors who were certified 661
by a national gun advocacy organization, the executive director 662
of the Ohio peace officer training commission pursuant to 663
section 109.75 or 109.78 of the Revised Code, or a governmental 664
official or entity of another state. 665

(iii) It was offered by or under the auspices of a law 666
enforcement agency of this or another state or the United 667
States, a public or private college, university, or other 668
similar postsecondary educational institution located in this or 669
another state, a firearms training school located in this or 670
another state, or another type of public or private entity or 671
organization located in this or another state. 672

(iv) It complies with the requirements set forth in 673
division (G) of this section. 674

(c) An original or photocopy of a certificate of 675
completion of a state, county, municipal, or department of 676

natural resources peace officer training school that is approved 677
by the executive director of the Ohio peace officer training 678
commission pursuant to section 109.75 of the Revised Code and 679
that complies with the requirements set forth in division (G) of 680
this section, or the applicant has satisfactorily completed and 681
been issued a certificate of completion of a basic firearms 682
training program, a firearms requalification training program, 683
or another basic training program described in section 109.78 or 684
109.801 of the Revised Code that complies with the requirements 685
set forth in division (G) of this section; 686

(d) A document that evidences both of the following: 687

(i) That the applicant is an active or reserve member of 688
the armed forces of the United States, has retired from or was 689
honorably discharged from military service in the active or 690
reserve armed forces of the United States, is a retired trooper 691
of the state highway patrol, or is a retired peace officer or 692
federal law enforcement officer described in division (B) (1) of 693
this section or a retired person described in division (B) (1) (b) 694
of section 109.77 of the Revised Code and division (B) (1) of 695
this section; 696

(ii) That, through participation in the military service 697
or through the former employment described in division (B) (3) (d) 698
(i) of this section, the applicant acquired experience with 699
handling handguns or other firearms, and the experience so 700
acquired was equivalent to training that the applicant could 701
have acquired in a course, class, or program described in 702
division (B) (3) (a), (b), or (c) of this section. 703

(e) A certificate or another similar document that 704
evidences satisfactory completion of a firearms training, 705
safety, or requalification or firearms safety instructor course, 706

class, or program that is not otherwise described in division 707
(B) (3) (a), (b), (c), or (d) of this section, that was conducted 708
by an instructor who was certified by an official or entity of 709
the government of this or another state or the United States or 710
by a national gun advocacy organization, and that complies with 711
the requirements set forth in division (G) of this section; 712

(f) An affidavit that attests to the applicant's 713
satisfactory completion of a course, class, or program described 714
in division (B) (3) (a), (b), (c), or (e) of this section and that 715
is subscribed by the applicant's instructor or an authorized 716
representative of the entity that offered the course, class, or 717
program or under whose auspices the course, class, or program 718
was offered; 719

(g) A document that evidences that the applicant has 720
successfully completed the Ohio peace officer training program 721
described in section 109.79 of the Revised Code. 722

(4) A certification by the applicant that the applicant 723
has read the pamphlet prepared by the Ohio peace officer 724
training commission pursuant to section 109.731 of the Revised 725
Code that reviews firearms, dispute resolution, and use of 726
deadly force matters. 727

(5) A set of fingerprints of the applicant provided as 728
described in section 311.41 of the Revised Code through use of 729
an electronic fingerprint reading device or, if the sheriff to 730
whom the application is submitted does not possess and does not 731
have ready access to the use of such a reading device, on a 732
standard impression sheet prescribed pursuant to division (C) (2) 733
of section 109.572 of the Revised Code. 734

(6) If the applicant is not a citizen or national of the 735

United States, the name of the applicant's country of 736
citizenship and the applicant's alien registration number issued 737
by the United States citizenship and immigration services 738
agency. 739

(7) If the applicant resides in another state, adequate 740
proof of employment in Ohio. 741

(C) Upon receipt of the completed application form, 742
supporting documentation, and, if not waived, license fee of an 743
applicant under this section, a sheriff, in the manner specified 744
in section 311.41 of the Revised Code, shall conduct or cause to 745
be conducted the criminal records check and the incompetency 746
records check described in section 311.41 of the Revised Code. 747

(D) (1) Except as provided in division (D) (3) of this 748
section, within forty-five days after a sheriff's receipt of an 749
applicant's completed application form for a concealed handgun 750
license under this section, the supporting documentation, and, 751
if not waived, the license fee, the sheriff shall make available 752
through the law enforcement automated data system in accordance 753
with division (H) of this section the information described in 754
that division and, upon making the information available through 755
the system, shall issue to the applicant a concealed handgun 756
license that shall expire as described in division (D) (2) (a) of 757
this section if all of the following apply: 758

(a) The applicant is legally living in the United States. 759
For purposes of division (D) (1) (a) of this section, if a person 760
is absent from the United States in compliance with military or 761
naval orders as an active or reserve member of the armed forces 762
of the United States and if prior to leaving the United States 763
the person was legally living in the United States, the person, 764
solely by reason of that absence, shall not be considered to 765

have lost the person's status as living in the United States. 766

(b) The applicant is at least twenty-one years of age. 767

(c) The applicant is not a fugitive from justice. 768

(d) The applicant is not under indictment for or otherwise 769
charged with a felony; an offense under Chapter 2925., 3719., or 770
4729. of the Revised Code that involves the illegal possession, 771
use, sale, administration, or distribution of or trafficking in 772
a drug of abuse; a misdemeanor offense of violence; or a 773
violation of section 2903.14 or 2923.1211 of the Revised Code. 774

(e) Except as otherwise provided in division (D) (4) or (5) 775
of this section, the applicant has not been convicted of or 776
pleaded guilty to a felony or an offense under Chapter 2925., 777
3719., or 4729. of the Revised Code that involves the illegal 778
possession, use, sale, administration, or distribution of or 779
trafficking in a drug of abuse; has not been adjudicated a 780
delinquent child for committing an act that if committed by an 781
adult would be a felony or would be an offense under Chapter 782
2925., 3719., or 4729. of the Revised Code that involves the 783
illegal possession, use, sale, administration, or distribution 784
of or trafficking in a drug of abuse; has not been convicted of, 785
pleaded guilty to, or adjudicated a delinquent child for 786
committing a violation of section 2903.13 of the Revised Code 787
when the victim of the violation is a peace officer, regardless 788
of whether the applicant was sentenced under division (C) (4) of 789
that section; and has not been convicted of, pleaded guilty to, 790
or adjudicated a delinquent child for committing any other 791
offense that is not previously described in this division that 792
is a misdemeanor punishable by imprisonment for a term exceeding 793
one year. 794

(f) Except as otherwise provided in division (D) (4) or (5) 795
of this section, the applicant, within three years of the date 796
of the application, has not been convicted of or pleaded guilty 797
to a misdemeanor offense of violence other than a misdemeanor 798
violation of section 2921.33 of the Revised Code or a violation 799
of section 2903.13 of the Revised Code when the victim of the 800
violation is a peace officer, or a misdemeanor violation of 801
section 2923.1211 of the Revised Code; and has not been 802
adjudicated a delinquent child for committing an act that if 803
committed by an adult would be a misdemeanor offense of violence 804
other than a misdemeanor violation of section 2921.33 of the 805
Revised Code or a violation of section 2903.13 of the Revised 806
Code when the victim of the violation is a peace officer or for 807
committing an act that if committed by an adult would be a 808
misdemeanor violation of section 2923.1211 of the Revised Code. 809

(g) Except as otherwise provided in division (D) (1) (e) of 810
this section, the applicant, within five years of the date of 811
the application, has not been convicted of, pleaded guilty to, 812
or adjudicated a delinquent child for committing two or more 813
violations of section 2903.13 or 2903.14 of the Revised Code. 814

(h) Except as otherwise provided in division (D) (4) or (5) 815
of this section, the applicant, within ten years of the date of 816
the application, has not been convicted of, pleaded guilty to, 817
or adjudicated a delinquent child for committing a violation of 818
section 2921.33 of the Revised Code. 819

(i) The applicant has not been adjudicated as a mental 820
defective, has not been committed to any mental institution, is 821
not under adjudication of mental incompetence, has not been 822
found by a court to be a mentally ill person subject to court 823
order, and is not an involuntary patient other than one who is a 824

patient only for purposes of observation. As used in this 825
division, "mentally ill person subject to court order" and 826
"patient" have the same meanings as in section 5122.01 of the 827
Revised Code. 828

(j) The applicant is not currently subject to a civil 829
protection order, a temporary protection order, an extreme risk 830
protection order issued under sections 2923.26 to 2923.30 of the 831
Revised Code, or a protection order issued by a court of another 832
state. 833

(k) The applicant certifies that the applicant desires a 834
legal means to carry a concealed handgun for defense of the 835
applicant or a member of the applicant's family while engaged in 836
lawful activity. 837

(l) The applicant submits a competency certification of 838
the type described in division (B) (3) of this section and 839
submits a certification of the type described in division (B) (4) 840
of this section regarding the applicant's reading of the 841
pamphlet prepared by the Ohio peace officer training commission 842
pursuant to section 109.731 of the Revised Code. 843

(m) The applicant currently is not subject to a suspension 844
imposed under division (A) (2) of section 2923.128 of the Revised 845
Code of a concealed handgun license that previously was issued 846
to the applicant under this section or section 2923.1213 of the 847
Revised Code or a similar suspension imposed by another state 848
regarding a concealed handgun license issued by that state. 849

(n) If the applicant resides in another state, the 850
applicant is employed in this state. 851

(o) The applicant certifies that the applicant is not an 852
unlawful user of or addicted to any controlled substance as 853

defined in 21 U.S.C. 802. 854

(p) If the applicant is not a United States citizen, the 855
applicant is an alien and has not been admitted to the United 856
States under a nonimmigrant visa, as defined in the "Immigration 857
and Nationality Act," 8 U.S.C. 1101(a) (26). 858

(q) The applicant has not been discharged from the armed 859
forces of the United States under dishonorable conditions. 860

(r) The applicant certifies that the applicant has not 861
renounced the applicant's United States citizenship, if 862
applicable. 863

(s) The applicant has not been convicted of, pleaded 864
guilty to, or adjudicated a delinquent child for committing a 865
violation of section 2919.25 of the Revised Code or a similar 866
violation in another state. 867

(2) (a) A concealed handgun license that a sheriff issues 868
under division (D) (1) of this section shall expire five years 869
after the date of issuance. 870

If a sheriff issues a license under this section, the 871
sheriff shall place on the license a unique combination of 872
letters and numbers identifying the license in accordance with 873
the procedure prescribed by the Ohio peace officer training 874
commission pursuant to section 109.731 of the Revised Code. 875

(b) If a sheriff denies an application under this section 876
because the applicant does not satisfy the criteria described in 877
division (D) (1) of this section, the sheriff shall specify the 878
grounds for the denial in a written notice to the applicant. The 879
applicant may appeal the denial pursuant to section 119.12 of 880
the Revised Code in the county served by the sheriff who denied 881
the application. If the denial was as a result of the criminal 882

records check conducted pursuant to section 311.41 of the 883
Revised Code and if, pursuant to section 2923.127 of the Revised 884
Code, the applicant challenges the criminal records check 885
results using the appropriate challenge and review procedure 886
specified in that section, the time for filing the appeal 887
pursuant to section 119.12 of the Revised Code and this division 888
is tolled during the pendency of the request or the challenge 889
and review. 890

(c) If the court in an appeal under section 119.12 of the 891
Revised Code and division (D) (2) (b) of this section enters a 892
judgment sustaining the sheriff's refusal to grant to the 893
applicant a concealed handgun license, the applicant may file a 894
new application beginning one year after the judgment is 895
entered. If the court enters a judgment in favor of the 896
applicant, that judgment shall not restrict the authority of a 897
sheriff to suspend or revoke the license pursuant to section 898
2923.128 or 2923.1213 of the Revised Code or to refuse to renew 899
the license for any proper cause that may occur after the date 900
the judgment is entered. In the appeal, the court shall have 901
full power to dispose of all costs. 902

(3) If the sheriff with whom an application for a 903
concealed handgun license was filed under this section becomes 904
aware that the applicant has been arrested for or otherwise 905
charged with an offense that would disqualify the applicant from 906
holding the license, the sheriff shall suspend the processing of 907
the application until the disposition of the case arising from 908
the arrest or charge. 909

(4) If an applicant has been convicted of or pleaded 910
guilty to an offense identified in division (D) (1) (e), (f), or 911
(h) of this section or has been adjudicated a delinquent child 912

for committing an act or violation identified in any of those 913
divisions, and if a court has ordered the sealing or expungement 914
of the records of that conviction, guilty plea, or adjudication 915
pursuant to sections 2151.355 to 2151.358, sections 2953.31 to 916
2953.36, or section 2953.37 of the Revised Code or the applicant 917
has been relieved under operation of law or legal process from 918
the disability imposed pursuant to section 2923.13 of the 919
Revised Code relative to that conviction, guilty plea, or 920
adjudication, the sheriff with whom the application was 921
submitted shall not consider the conviction, guilty plea, or 922
adjudication in making a determination under division (D) (1) or 923
(F) of this section or, in relation to an application for a 924
concealed handgun license on a temporary emergency basis 925
submitted under section 2923.1213 of the Revised Code, in making 926
a determination under division (B) (2) of that section. 927

(5) If an applicant has been convicted of or pleaded 928
guilty to a minor misdemeanor offense or has been adjudicated a 929
delinquent child for committing an act or violation that is a 930
minor misdemeanor offense, the sheriff with whom the application 931
was submitted shall not consider the conviction, guilty plea, or 932
adjudication in making a determination under division (D) (1) or 933
(F) of this section or, in relation to an application for a 934
concealed handgun license on a temporary basis submitted under 935
section 2923.1213 of the Revised Code, in making a determination 936
under division (B) (2) of that section. 937

(E) If a concealed handgun license issued under this 938
section is lost or is destroyed, the licensee may obtain from 939
the sheriff who issued that license a duplicate license upon the 940
payment of a fee of fifteen dollars and the submission of an 941
affidavit attesting to the loss or destruction of the license. 942
The sheriff, in accordance with the procedures prescribed in 943

section 109.731 of the Revised Code, shall place on the 944
replacement license a combination of identifying numbers 945
different from the combination on the license that is being 946
replaced. 947

(F) (1) (a) Except as provided in division (F) (1) (b) of this 948
section, a licensee who wishes to renew a concealed handgun 949
license issued under this section may do so at any time before 950
the expiration date of the license or at any time after the 951
expiration date of the license by filing with the sheriff of the 952
county in which the applicant resides or with the sheriff of an 953
adjacent county, or in the case of an applicant who resides in 954
another state with the sheriff of the county that issued the 955
applicant's previous concealed handgun license an application 956
for renewal of the license obtained pursuant to division (D) of 957
this section, a certification by the applicant that, subsequent 958
to the issuance of the license, the applicant has reread the 959
pamphlet prepared by the Ohio peace officer training commission 960
pursuant to section 109.731 of the Revised Code that reviews 961
firearms, dispute resolution, and use of deadly force matters, 962
and a nonrefundable license renewal fee in an amount determined 963
pursuant to division (F) (4) of this section unless the fee is 964
waived. 965

(b) A person on active duty in the armed forces of the 966
United States or in service with the peace corps, volunteers in 967
service to America, or the foreign service of the United States 968
is exempt from the license requirements of this section for the 969
period of the person's active duty or service and for six months 970
thereafter, provided the person was a licensee under this 971
section at the time the person commenced the person's active 972
duty or service or had obtained a license while on active duty 973
or service. The spouse or a dependent of any such person on 974

active duty or in service also is exempt from the license 975
requirements of this section for the period of the person's 976
active duty or service and for six months thereafter, provided 977
the spouse or dependent was a licensee under this section at the 978
time the person commenced the active duty or service or had 979
obtained a license while the person was on active duty or 980
service, and provided further that the person's active duty or 981
service resulted in the spouse or dependent relocating outside 982
of this state during the period of the active duty or service. 983
This division does not prevent such a person or the person's 984
spouse or dependent from making an application for the renewal 985
of a concealed handgun license during the period of the person's 986
active duty or service. 987

(2) A sheriff shall accept a completed renewal 988
application, the license renewal fee, and the information 989
specified in division (F)(1) of this section at the times and in 990
the manners described in division (I) of this section. Upon 991
receipt of a completed renewal application, of certification 992
that the applicant has reread the specified pamphlet prepared by 993
the Ohio peace officer training commission, and of a license 994
renewal fee unless the fee is waived, a sheriff, in the manner 995
specified in section 311.41 of the Revised Code shall conduct or 996
cause to be conducted the criminal records check and the 997
incompetency records check described in section 311.41 of the 998
Revised Code. The sheriff shall renew the license if the sheriff 999
determines that the applicant continues to satisfy the 1000
requirements described in division (D)(1) of this section, 1001
except that the applicant is not required to meet the 1002
requirements of division (D)(1)(1) of this section. A renewed 1003
license shall expire five years after the date of issuance. A 1004
renewed license is subject to division (E) of this section and 1005

sections 2923.126 and 2923.128 of the Revised Code. A sheriff 1006
shall comply with divisions (D) (2) and (3) of this section when 1007
the circumstances described in those divisions apply to a 1008
requested license renewal. If a sheriff denies the renewal of a 1009
concealed handgun license, the applicant may appeal the denial, 1010
or challenge the criminal record check results that were the 1011
basis of the denial if applicable, in the same manner as 1012
specified in division (D) (2) (b) of this section and in section 1013
2923.127 of the Revised Code, regarding the denial of a license 1014
under this section. 1015

(3) A renewal application submitted pursuant to division 1016
(F) of this section shall only require the licensee to list on 1017
the application form information and matters occurring since the 1018
date of the licensee's last application for a license pursuant 1019
to division (B) or (F) of this section. A sheriff conducting the 1020
criminal records check and the incompetency records check 1021
described in section 311.41 of the Revised Code shall conduct 1022
the check only from the date of the licensee's last application 1023
for a license pursuant to division (B) or (F) of this section 1024
through the date of the renewal application submitted pursuant 1025
to division (F) of this section. 1026

(4) An applicant for a renewal concealed handgun license 1027
under this section shall submit to the sheriff of the county in 1028
which the applicant resides or to the sheriff of any county 1029
adjacent to the county in which the applicant resides, or in the 1030
case of an applicant who resides in another state to the sheriff 1031
of the county that issued the applicant's previous concealed 1032
handgun license, a nonrefundable license fee as described in 1033
either of the following: 1034

(a) For an applicant who has been a resident of this state 1035

for five or more years, a fee of fifty dollars; 1036

(b) For an applicant who has been a resident of this state 1037
for less than five years or who is not a resident of this state 1038
but who is employed in this state, a fee of fifty dollars plus 1039
the actual cost of having a background check performed by the 1040
federal bureau of investigation. 1041

(5) The concealed handgun license of a licensee who is no 1042
longer a resident of this state or no longer employed in this 1043
state, as applicable, is valid until the date of expiration on 1044
the license, and the licensee is prohibited from renewing the 1045
concealed handgun license. 1046

(G) (1) Each course, class, or program described in 1047
division (B) (3) (a), (b), (c), or (e) of this section shall 1048
provide to each person who takes the course, class, or program 1049
the web site address at which the pamphlet prepared by the Ohio 1050
peace officer training commission pursuant to section 109.731 of 1051
the Revised Code that reviews firearms, dispute resolution, and 1052
use of deadly force matters may be found. Each such course, 1053
class, or program described in one of those divisions shall 1054
include at least eight hours of training in the safe handling 1055
and use of a firearm that shall include training, provided as 1056
described in division (G) (3) of this section, on all of the 1057
following: 1058

(a) The ability to name, explain, and demonstrate the 1059
rules for safe handling of a handgun and proper storage 1060
practices for handguns and ammunition; 1061

(b) The ability to demonstrate and explain how to handle 1062
ammunition in a safe manner; 1063

(c) The ability to demonstrate the knowledge, skills, and 1064

attitude necessary to shoot a handgun in a safe manner; 1065

(d) Gun handling training; 1066

(e) A minimum of two hours of in-person training that 1067
consists of range time and live-fire training. 1068

(2) To satisfactorily complete the course, class, or 1069
program described in division (B) (3) (a), (b), (c), or (e) of 1070
this section, the applicant shall pass a competency examination 1071
that shall include both of the following: 1072

(a) A written section, provided as described in division 1073
(G) (3) of this section, on the ability to name and explain the 1074
rules for the safe handling of a handgun and proper storage 1075
practices for handguns and ammunition; 1076

(b) An in-person physical demonstration of competence in 1077
the use of a handgun and in the rules for safe handling and 1078
storage of a handgun and a physical demonstration of the 1079
attitude necessary to shoot a handgun in a safe manner. 1080

(3) (a) Except as otherwise provided in this division, the 1081
training specified in division (G) (1) (a) of this section shall 1082
be provided to the person receiving the training in person by an 1083
instructor. If the training specified in division (G) (1) (a) of 1084
this section is provided by a course, class, or program 1085
described in division (B) (3) (a) of this section, or it is 1086
provided by a course, class, or program described in division 1087
(B) (3) (b), (c), or (e) of this section and the instructor is a 1088
qualified instructor certified by a national gun advocacy 1089
organization, the training so specified, other than the training 1090
that requires the person receiving the training to demonstrate 1091
handling abilities, may be provided online or as a combination 1092
of in-person and online training, as long as the online training 1093

includes an interactive component that regularly engages the person. 1094
1095

(b) Except as otherwise provided in this division, the 1096
written section of the competency examination specified in 1097
division (G)(2)(a) of this section shall be administered to the 1098
person taking the competency examination in person by an 1099
instructor. If the training specified in division (G)(1)(a) of 1100
this section is provided to the person receiving the training by 1101
a course, class, or program described in division (B)(3)(a) of 1102
this section, or it is provided by a course, class, or program 1103
described in division (B)(3)(b), (c), or (e) of this section and 1104
the instructor is a qualified instructor certified by a national 1105
gun advocacy organization, the written section of the competency 1106
examination specified in division (G)(2)(a) of this section may 1107
be administered online, as long as the online training includes 1108
an interactive component that regularly engages the person. 1109

(4) The competency certification described in division (B) 1110
(3)(a), (b), (c), or (e) of this section shall be dated and 1111
shall attest that the course, class, or program the applicant 1112
successfully completed met the requirements described in 1113
division (G)(1) of this section and that the applicant passed 1114
the competency examination described in division (G)(2) of this 1115
section. 1116

(H) Upon deciding to issue a concealed handgun license, 1117
deciding to issue a replacement concealed handgun license, or 1118
deciding to renew a concealed handgun license pursuant to this 1119
section, and before actually issuing or renewing the license, 1120
the sheriff shall make available through the law enforcement 1121
automated data system all information contained on the license. 1122
If the license subsequently is suspended under division (A)(1) 1123

or (2) of section 2923.128 of the Revised Code, revoked pursuant 1124
to division (B) (1) of section 2923.128 of the Revised Code, or 1125
lost or destroyed, the sheriff also shall make available through 1126
the law enforcement automated data system a notation of that 1127
fact. The superintendent of the state highway patrol shall 1128
ensure that the law enforcement automated data system is so 1129
configured as to permit the transmission through the system of 1130
the information specified in this division. 1131

(I) (1) A sheriff shall accept a completed application form 1132
or renewal application, and the fee, items, materials, and 1133
information specified in divisions (B) (1) to (5) or division (F) 1134
of this section, whichever is applicable, and shall provide an 1135
application form or renewal application to any person during at 1136
least fifteen hours a week and shall provide the web site 1137
address at which a printable version of the application form 1138
that can be downloaded and the pamphlet described in division 1139
(B) of section 109.731 of the Revised Code may be found at any 1140
time, upon request. The sheriff shall post notice of the hours 1141
during which the sheriff is available to accept or provide the 1142
information described in this division. 1143

(2) A sheriff shall transmit a notice to the attorney 1144
general, in a manner determined by the attorney general, every 1145
time a license is issued that waived payment under division (B) 1146
(1) (c) of this section for an applicant who is an active or 1147
reserve member of the armed forces of the United States or has 1148
retired from or was honorably discharged from military service 1149
in the active or reserve armed forces of the United States. The 1150
attorney general shall monitor and inform sheriffs issuing 1151
licenses under this section when the amount of license fee 1152
payments waived and transmitted to the attorney general reach 1153
one million five hundred thousand dollars each year. Once a 1154

sheriff is informed that the payments waived reached one million 1155
five hundred thousand dollars in any year, a sheriff shall no 1156
longer waive payment of a license fee for an applicant who is an 1157
active or reserve member of the armed forces of the United 1158
States or has retired from or was honorably discharged from 1159
military service in the active or reserve armed forces of the 1160
United States for the remainder of that year. 1161

Sec. 2923.128. (A) (1) (a) If a licensee holding a valid 1162
concealed handgun license is arrested for or otherwise charged 1163
with an offense described in division (D) (1) (d) of section 1164
2923.125 of the Revised Code or with a violation of section 1165
2923.15 of the Revised Code or becomes subject to a temporary 1166
protection order or to a protection order issued by a court of 1167
another state that is substantially equivalent to a temporary 1168
protection order, the sheriff who issued the license shall 1169
suspend it and shall comply with division (A) (3) of this section 1170
upon becoming aware of the arrest, charge, or protection order. 1171
Upon suspending the license, the sheriff also shall comply with 1172
division (H) of section 2923.125 of the Revised Code. 1173

(b) A suspension under division (A) (1) (a) of this section 1174
shall be considered as beginning on the date that the licensee 1175
is arrested for or otherwise charged with an offense described 1176
in that division or on the date the appropriate court issued the 1177
protection order described in that division, irrespective of 1178
when the sheriff notifies the licensee under division (A) (3) of 1179
this section. The suspension shall end on the date on which the 1180
charges are dismissed or the licensee is found not guilty of the 1181
offense described in division (A) (1) (a) of this section or, 1182
subject to division (B) of this section, on the date the 1183
appropriate court terminates the protection order described in 1184
that division. If the suspension so ends, the sheriff shall 1185

return the license or temporary emergency license to the 1186
licensee. 1187

(2) (a) If a licensee holding a valid concealed handgun 1188
license is convicted of or pleads guilty to a misdemeanor 1189
violation of division (B) (1), (2), or (4) of section 2923.12 of 1190
the Revised Code or of division (E) (1), (2), (3), or (5) of 1191
section 2923.16 of the Revised Code, except as provided in 1192
division (A) (2) (c) of this section and subject to division (C) 1193
of this section, the sheriff who issued the license shall 1194
suspend it and shall comply with division (A) (3) of this section 1195
upon becoming aware of the conviction or guilty plea. Upon 1196
suspending the license, the sheriff also shall comply with 1197
division (H) of section 2923.125 of the Revised Code. 1198

(b) A suspension under division (A) (2) (a) of this section 1199
shall be considered as beginning on the date that the licensee 1200
is convicted of or pleads guilty to the offense described in 1201
that division, irrespective of when the sheriff notifies the 1202
licensee under division (A) (3) of this section. If the 1203
suspension is imposed for a misdemeanor violation of division 1204
(B) (1) or (2) of section 2923.12 of the Revised Code or of 1205
division (E) (1), (2), or (3) of section 2923.16 of the Revised 1206
Code, it shall end on the date that is one year after the date 1207
that the licensee is convicted of or pleads guilty to that 1208
violation. If the suspension is imposed for a misdemeanor 1209
violation of division (B) (4) of section 2923.12 of the Revised 1210
Code or of division (E) (5) of section 2923.16 of the Revised 1211
Code, it shall end on the date that is two years after the date 1212
that the licensee is convicted of or pleads guilty to that 1213
violation. If the licensee's license was issued under section 1214
2923.125 of the Revised Code and the license remains valid after 1215
the suspension ends as described in this division, when the 1216

suspension ends, the sheriff shall return the license to the 1217
licensee. If the licensee's license was issued under section 1218
2923.125 of the Revised Code and the license expires before the 1219
suspension ends as described in this division, or if the 1220
licensee's license was issued under section 2923.1213 of the 1221
Revised Code, the licensee is not eligible to apply for a new 1222
license under section 2923.125 or 2923.1213 of the Revised Code 1223
or to renew the license under section 2923.125 of the Revised 1224
Code until after the suspension ends as described in this 1225
division. 1226

(c) The license of a licensee who is convicted of or 1227
pleads guilty to a violation of division (B) (1) of section 1228
2923.12 or division (E) (1) or (2) of section 2923.16 of the 1229
Revised Code shall not be suspended pursuant to division (A) (2) 1230
(a) of this section if, at the time of the stop of the licensee 1231
for a law enforcement purpose, for a traffic stop, or for a 1232
purpose defined in section 5503.34 of the Revised Code that was 1233
the basis of the violation, any law enforcement officer involved 1234
with the stop or the employee of the motor carrier enforcement 1235
unit who made the stop had actual knowledge of the licensee's 1236
status as a licensee. 1237

(3) Upon becoming aware of an arrest, charge, or 1238
protection order described in division (A) (1) (a) of this section 1239
with respect to a licensee who was issued a concealed handgun 1240
license, or a conviction of or plea of guilty to a misdemeanor 1241
offense described in division (A) (2) (a) of this section with 1242
respect to a licensee who was issued a concealed handgun license 1243
and with respect to which division (A) (2) (c) of this section 1244
does not apply, subject to division (C) of this section, the 1245
sheriff who issued the licensee's license shall notify the 1246
licensee, by certified mail, return receipt requested, at the 1247

licensee's last known residence address that the license has 1248
been suspended and that the licensee is required to surrender 1249
the license at the sheriff's office within ten days of the date 1250
on which the notice was mailed. If the suspension is pursuant to 1251
division (A) (2) of this section, the notice shall identify the 1252
date on which the suspension ends. 1253

(B) (1) A sheriff who issues a concealed handgun license to 1254
a licensee shall revoke the license in accordance with division 1255
(B) (2) of this section upon becoming aware that the licensee 1256
satisfies any of the following: 1257

(a) The licensee is under twenty-one years of age. 1258

(b) Subject to division (C) of this section, at the time 1259
of the issuance of the license, the licensee did not satisfy the 1260
eligibility requirements of division (D) (1) (c), (d), (e), (f), 1261
(g), or (h) of section 2923.125 of the Revised Code. 1262

(c) Subject to division (C) of this section, on or after 1263
the date on which the license was issued, the licensee is 1264
convicted of or pleads guilty to a violation of section 2923.15 1265
of the Revised Code or an offense described in division (D) (1) 1266
(e), (f), (g), or (h) of section 2923.125 of the Revised Code. 1267

(d) On or after the date on which the license was issued, 1268
the licensee becomes subject to an extreme risk protection order 1269
issued under sections 2923.26 to 2923.30 of the Revised Code, a 1270
civil protection order, or to a protection order issued by a 1271
court of another state that is substantially equivalent to a 1272
civil protection order. 1273

(e) The licensee knowingly carries a concealed handgun 1274
into a place that the licensee knows is an unauthorized place 1275
specified in division (B) of section 2923.126 of the Revised 1276

Code. 1277

(f) On or after the date on which the license was issued, 1278
the licensee is adjudicated as a mental defective or is 1279
committed to a mental institution. 1280

(g) At the time of the issuance of the license, the 1281
licensee did not meet the residency requirements described in 1282
division (D) (1) of section 2923.125 of the Revised Code and 1283
currently does not meet the residency requirements described in 1284
that division. 1285

(h) Regarding a license issued under section 2923.125 of 1286
the Revised Code, the competency certificate the licensee 1287
submitted was forged or otherwise was fraudulent. 1288

(2) Upon becoming aware of any circumstance listed in 1289
division (B) (1) of this section that applies to a particular 1290
licensee who was issued a concealed handgun license, subject to 1291
division (C) of this section, the sheriff who issued the license 1292
to the licensee shall notify the licensee, by certified mail, 1293
return receipt requested, at the licensee's last known residence 1294
address that the license is subject to revocation and that the 1295
licensee may come to the sheriff's office and contest the 1296
sheriff's proposed revocation within fourteen days of the date 1297
on which the notice was mailed. After the fourteen-day period 1298
and after consideration of any information that the licensee 1299
provides during that period, if the sheriff determines on the 1300
basis of the information of which the sheriff is aware that the 1301
licensee is described in division (B) (1) of this section and no 1302
longer satisfies the requirements described in division (D) (1) 1303
of section 2923.125 of the Revised Code that are applicable to 1304
the licensee's type of license, the sheriff shall revoke the 1305
license, notify the licensee of that fact, and require the 1306

licensee to surrender the license. Upon revoking the license, 1307
the sheriff also shall comply with division (H) of section 1308
2923.125 of the Revised Code. 1309

(C) If a sheriff who issues a concealed handgun license to 1310
a licensee becomes aware that at the time of the issuance of the 1311
license the licensee had been convicted of or pleaded guilty to 1312
an offense identified in division (D)(1)(e), (f), or (h) of 1313
section 2923.125 of the Revised Code or had been adjudicated a 1314
delinquent child for committing an act or violation identified 1315
in any of those divisions or becomes aware that on or after the 1316
date on which the license was issued the licensee has been 1317
convicted of or pleaded guilty to an offense identified in 1318
division (A)(2)(a) or (B)(1)(c) of this section, the sheriff 1319
shall not consider that conviction, guilty plea, or adjudication 1320
as having occurred for purposes of divisions (A)(2), (A)(3), (B) 1321
(1), and (B)(2) of this section if a court has ordered the 1322
sealing or expungement of the records of that conviction, guilty 1323
plea, or adjudication pursuant to sections 2151.355 to 2151.358 1324
or sections 2953.31 to 2953.36 of the Revised Code or the 1325
licensee has been relieved under operation of law or legal 1326
process from the disability imposed pursuant to section 2923.13 1327
of the Revised Code relative to that conviction, guilty plea, or 1328
adjudication. 1329

(D) As used in this section, "motor carrier enforcement 1330
unit" has the same meaning as in section 2923.16 of the Revised 1331
Code. 1332

Sec. 2923.13. (A) Unless relieved from disability under 1333
operation of law or legal process, no person shall knowingly 1334
acquire, have, carry, or use any firearm or dangerous ordnance, 1335
if any of the following apply: 1336

- (1) The person is a fugitive from justice. 1337
- (2) The person is under indictment for or has been 1338
convicted of any felony offense of violence or has been 1339
adjudicated a delinquent child for the commission of an offense 1340
that, if committed by an adult, would have been a felony offense 1341
of violence. 1342
- (3) The person is under indictment for or has been 1343
convicted of any felony offense involving the illegal 1344
possession, use, sale, administration, distribution, or 1345
trafficking in any drug of abuse or has been adjudicated a 1346
delinquent child for the commission of an offense that, if 1347
committed by an adult, would have been a felony offense 1348
involving the illegal possession, use, sale, administration, 1349
distribution, or trafficking in any drug of abuse. 1350
- (4) The person is drug dependent, in danger of drug 1351
dependence, or a chronic alcoholic. 1352
- (5) The person is under adjudication of mental 1353
incompetence, has been adjudicated as a mental defective, has 1354
been committed to a mental institution, has been found by a 1355
court to be a mentally ill person subject to court order, or is 1356
an involuntary patient other than one who is a patient only for 1357
purposes of observation. ~~As used in this division, "mentally ill-~~ 1358
~~person subject to court order" and "patient" have the same-~~ 1359
~~meanings as in section 5122.01 of the Revised Code.~~ 1360
- (6) The person has been found guilty of having a firearm 1361
while under extreme risk protection order disability, and is 1362
prohibited from acquiring, having, carrying, or using a firearm 1363
under section 2923.99 of the Revised Code. 1364
- (B) Whoever violates this section is guilty of having 1365

weapons while under disability, a felony of the third degree. 1366

(C) For the purposes of this section, ~~"under~~ : 1367

(1) Under operation of law or legal process" shall not 1368
itself include mere completion, termination, or expiration of a 1369
sentence imposed as a result of a criminal conviction. 1370

(2) "Mentally ill person subject to court order" and 1371
"patient" have the same meanings as in section 5122.01 of the 1372
Revised Code. 1373

Sec. 2923.26. (A) As used in this section and sections 1374
2923.27 to 2923.30 of the Revised Code: 1375

(1) "Extreme risk protection order" means a final order or 1376
an ex parte temporary order granted under section 2923.26 or 1377
2923.27 of the Revised Code, respectively. 1378

(2) "Family or household member" means, with respect to a 1379
respondent, any of the following: 1380

(a) A person related by blood, marriage, or adoption to 1381
the respondent; 1382

(b) A person in a dating relationship with the respondent; 1383

(c) A person who has a child in common with the 1384
respondent, regardless of whether the person has been married to 1385
the respondent or has lived together with the respondent at any 1386
time; 1387

(d) A person who resides with the respondent or who has 1388
resided with the respondent within the past year; 1389

(e) A person who has a biological or legal parent-child 1390
relationship with the respondent, including a stepparent, 1391
stepchild, grandparent, and grandchild of the respondent; 1392

(f) A person who is acting or has acted as the 1393
respondent's legal guardian. 1394

(3) "Petitioner" means the person who petitions for an 1395
extreme risk protection order. 1396

(4) "Respondent" means the person who is identified as the 1397
subject of a petition for an extreme risk protection order. 1398

(5) "Law enforcement officer" means a sheriff, deputy 1399
sheriff, constable, police officer of a township or joint police 1400
district, municipal police officer, or state highway patrol 1401
trooper. 1402

(6) "Law enforcement agency" means a municipal or township 1403
police department, a county sheriff's office, or the state 1404
highway patrol. 1405

(B) Any of the following persons may seek relief under 1406
sections 2923.26 to 2923.30 of the Revised Code by filing a 1407
petition for an extreme risk protection order in the court of 1408
common pleas in the county where the petitioner resides or in 1409
the county where the respondent resides: 1410

(1) A family or household member of the respondent; 1411

(2) A law enforcement officer or law enforcement agency. 1412

(C) A petition for an extreme risk protection order shall 1413
include all of the following: 1414

(1) An allegation that the respondent poses a significant 1415
danger of causing personal injury to self or others by having in 1416
the respondent's custody or control, purchasing, possessing, or 1417
receiving a firearm, accompanied by an affidavit made under oath 1418
stating the specific statements, actions, or facts that give 1419
rise to a reasonable fear of future dangerous acts by the 1420

respondent; 1421

(2) An inventory list including the number, types, and 1422
locations of every firearm the petitioner believes to be in the 1423
respondent's ownership, possession, custody, or control; 1424

(3) A list of any protection order issued under section 1425
2151.34, 2903.213, 2903.214, 2919.26, or 3113.31 of the Revised 1426
Code to which the respondent is subject and of which the 1427
petitioner is aware; 1428

(4) A list of any pending lawsuit, complaint, petition, or 1429
other legal action between the parties. 1430

(D) The court shall verify the terms of any existing order 1431
governing the parties but may not delay granting relief because 1432
an action is pending between the parties. A petition for an 1433
extreme risk protection order may be granted whether or not an 1434
action between the parties is pending. 1435

(E) If the petitioner is a law enforcement officer or 1436
agency, the petitioner shall make a good faith effort to provide 1437
notice to a family or household member or third party who may be 1438
at risk of violence. The notice shall state that the petitioner 1439
intends to petition the court for an extreme risk protection 1440
order or that the petitioner has already done so, and include 1441
referrals to appropriate resources, including mental health, 1442
domestic violence, and counseling resources. The petitioner 1443
shall attest in the petition to having provided this notice, or 1444
attest to the steps that will be taken to provide the notice. 1445

(F) If the petition states that disclosure of the 1446
petitioner's address would risk harm to the petitioner or any 1447
member of the petitioner's family or household, the petitioner's 1448
address may be omitted from all documents filed with the court. 1449

If the petitioner has not disclosed an address under this 1450
division, the petitioner shall designate an alternate address at 1451
which the respondent may serve notice of any motions. If the 1452
petitioner is a law enforcement officer or agency, the address 1453
of record shall be the address of the law enforcement agency. 1454

(G) The court shall not charge a fee to a petitioner for 1455
filing a petition under this section and shall not charge the 1456
petitioner for service of process. The court shall provide the 1457
necessary certified copies and forms and shall provide materials 1458
explaining the process of filing a petition for an extreme risk 1459
protection order to persons free of charge. 1460

(H) No petitioner for an extreme risk protection order 1461
shall be required to post a bond to obtain relief under this 1462
section or sections 2923.27 to 2923.30 of the Revised Code. 1463

(I) Upon receiving a petition for an extreme risk 1464
protection order filed under this section, the court shall do 1465
all of the following: 1466

(1) Order a hearing to be held not later than fourteen 1467
days after the date of the order; 1468

(2) Issue a notice of the hearing to the respondent named 1469
in the petition; 1470

(3) Cause a copy of the notice of hearing and petition to 1471
be forwarded on or before the next judicial day to a local law 1472
enforcement agency for service on the respondent. 1473

(J) The court may do either of the following with respect 1474
to a petition for an extreme risk protection order: 1475

(1) Subject to division (K) of this section, schedule a 1476
hearing by telephone pursuant to local court rule, to reasonably 1477

accommodate a disability, or, in exceptional circumstances, to 1478
protect a petitioner from potential harm; 1479

(2) Issue an ex parte extreme risk protection order under 1480
section 2923.27 of the Revised Code. 1481

(K) The court shall require assurances of the petitioner's 1482
identity before conducting a telephonic hearing under division 1483
(J) (1) of this section. 1484

(L) The local law enforcement agency shall personally 1485
serve the petition and notice of the hearing on the respondent 1486
not less than five judicial days prior to the hearing. If a 1487
court has issued an ex parte extreme risk protection order under 1488
section 2923.27 of the Revised Code, the local law enforcement 1489
agency shall serve the ex parte order concurrently with the 1490
notice of hearing and petition. Service issued under this 1491
section shall take precedence over other service of other 1492
documents, unless those documents are also of an emergency 1493
nature. If the local law enforcement agency cannot serve process 1494
under this section within the time period specified, the court 1495
shall set a new hearing date and either require the local law 1496
enforcement agency to attempt personal service again or shall 1497
permit service by publication or mail as provided in division 1498
(H) of section 2923.28 of the Revised Code. The court shall not 1499
require more than two attempts at obtaining personal service and 1500
shall permit service by publication or mail after two attempts 1501
unless the petitioner requests additional time to attempt 1502
personal service. If the court issues an order that permits 1503
service by publication or mail, the court shall set the hearing 1504
date not later than twenty-four days after the date the order is 1505
issued. 1506

(M) Upon hearing a petition for an extreme risk protection 1507

order, if the court finds by a preponderance of the evidence 1508
that the respondent poses a significant danger of causing 1509
personal injury to self or others by having custody or control 1510
of a firearm or the ability to purchase, possess, or receive a 1511
firearm, the court shall issue an extreme risk protection order 1512
for a period of one hundred eighty days. 1513

(N) In determining whether grounds for an extreme risk 1514
protection order exist, the court may do any of the following: 1515

(1) Consider any relevant evidence including any of the 1516
following: 1517

(a) A recent act or threat of violence by the respondent 1518
against the respondent or against another, whether or not the 1519
violence or threat involves a firearm; 1520

(b) A pattern of acts or threats of violence by the 1521
respondent within the past twelve months, including acts or 1522
threats of violence by the respondent against the respondent or 1523
against others; 1524

(c) Any dangerous mental health issues of the respondent; 1525

(d) A violation by the respondent of any of the following: 1526

(i) A protection order issued or consent agreement 1527
approved pursuant to section 2919.26 or 3113.31 of the Revised 1528
Code; 1529

(ii) A protection order issued pursuant to section 1530
2151.34, 2903.213, or 2903.214 of the Revised Code; 1531

(iii) A protection order issued by a court of another 1532
state. 1533

(e) A previous or existing extreme risk protection order 1534

<u>issued against the respondent;</u>	1535
<u>(f) A violation of a previous or existing extreme risk protection order issued against the respondent;</u>	1536
<u>(g) A conviction of the respondent for a violation of section 2919.25 of the Revised Code;</u>	1538
<u>(h) The respondent's ownership, access to, or intent to possess firearms;</u>	1540
<u>(i) The unlawful or reckless use, display, or brandishing of a firearm by the respondent;</u>	1542
<u>(j) The history of use, attempted use, or threatened use of physical force by the respondent against another person, or the respondent's history of stalking another person;</u>	1544
<u>(k) Any prior arrest of the respondent for a felony offense or violent crime;</u>	1547
<u>(l) Corroborated evidence of the abuse of controlled substances or alcohol by the respondent;</u>	1549
<u>(m) Evidence of recent acquisition of firearms by the respondent.</u>	1551
<u>(2) Examine under oath the petitioner, the respondent, and any witness called by the petitioner or respondent;</u>	1553
<u>(3) Ensure that a reasonable search has been conducted for criminal history records related to the respondent.</u>	1555
<u>(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.</u>	1557
<u>(P) An extreme risk protection order issued under this</u>	1561

<u>section shall include all of the following:</u>	1562
<u>(1) A statement of the grounds supporting the order;</u>	1563
<u>(2) The date and time that the order was issued;</u>	1564
<u>(3) The date and time the order expires;</u>	1565
<u>(4) Whether a mental health evaluation or chemical</u>	1566
<u>dependency evaluation of the respondent is required;</u>	1567
<u>(5) The address of the court in which any responsive</u>	1568
<u>pleading should be filed;</u>	1569
<u>(6) A description of the requirements for relinquishment</u>	1570
<u>of firearms under section 2923.30 of the Revised Code;</u>	1571
<u>(7) The following statement:</u>	1572
<u>"To the subject of the protection order:</u>	1573
<u>This order will last until the date and time noted above.</u>	1574
<u>If you have not done so already, you must surrender to the</u>	1575
<u>(insert name of local law enforcement agency) all firearms in</u>	1576
<u>your custody, control, or possession and any license to carry a</u>	1577
<u>concealed handgun issued to you under section 2923.125 or</u>	1578
<u>2923.1213 of the Revised Code. You may not have in your custody</u>	1579
<u>or control, purchase, possess, receive, or attempt to purchase</u>	1580
<u>or receive, a firearm while this order is in effect. You have</u>	1581
<u>the right to request one hearing to terminate this order every</u>	1582
<u>one-hundred-eighty-day period that this order is in effect,</u>	1583
<u>starting from the date of this order and continuing through any</u>	1584
<u>renewals. You may seek the advice of an attorney as to any</u>	1585
<u>matter connected with this order."</u>	1586
<u>(Q) When the court issues an extreme risk protection</u>	1587
<u>order, the court shall inform the respondent that the respondent</u>	1588

is entitled to request termination of the order in the manner 1589
prescribed in section 2923.29 of the Revised Code. 1590

(R) If the court declines to issue an extreme risk 1591
protection order, the court shall state the particular reasons 1592
for denial in the court's order. 1593

(S) Sections 2923.26 to 2923.30 of the Revised Code do not 1594
affect the ability of a law enforcement officer to remove a 1595
firearm or concealed handgun license from any person or conduct 1596
any search and seizure for firearms pursuant to any other lawful 1597
authority. 1598

Sec. 2923.27. (A) A petitioner may request that an ex 1599
parte extreme risk protection order be issued before a hearing 1600
for an extreme risk protection order, without notice to the 1601
respondent, by filing an application for an ex parte extreme 1602
risk protection order in a court of common pleas, county court, 1603
or municipal court, that includes detailed allegations based on 1604
personal knowledge that the respondent poses a significant 1605
danger of causing personal injury to self or others in the near 1606
future by having custody or control of a firearm or the ability 1607
to purchase, possess, or receive a firearm. 1608

(B) In considering whether to issue an ex parte extreme 1609
risk protection order under this section, the court that 1610
receives the application shall consider all relevant evidence, 1611
including the evidence described in division (N) (1) of section 1612
2923.26 of the Revised Code. 1613

(C) If a court finds there is reasonable cause to believe 1614
that the respondent poses a significant danger of causing 1615
personal injury to self or others in the near future by having 1616
custody or control of a firearm or the ability to purchase, 1617

possess, or receive a firearm, the court shall issue an ex parte 1618
extreme risk protection order. 1619

(D) The court shall hold an ex parte extreme risk 1620
protection order hearing in person or by telephone on the day 1621
the petition is filed or on the judicial day immediately 1622
following the day the petition is filed. 1623

(E) (1) In accordance with division (I) (1) of section 1624
2923.26 of the Revised Code, a court of common pleas that issues 1625
an ex parte extreme risk protection order shall schedule a 1626
hearing within three days of the issuance of the order to 1627
determine if an extreme risk protection order should be issued. 1628

(2) A county court or municipal court that issues an ex 1629
parte extreme risk protection order shall transfer the case to 1630
the court of common pleas and that court shall schedule a 1631
hearing within three days of the issuance of the order to 1632
determine if an extreme risk protection order should be issued. 1633

(F) An ex parte extreme risk protection order shall 1634
include all of the following: 1635

(1) A statement of the grounds asserted for the order; 1636

(2) The date and time the order was issued; 1637

(3) The date and time the order expires; 1638

(4) The address of the court in which any responsive 1639
pleading should be filed; 1640

(5) The date and time of the scheduled hearing; 1641

(6) A description of the requirements for surrender of 1642
firearms under section 2923.30 of the Revised Code; 1643

(7) The following statement: 1644

"To the subject of this protection order: 1645

This order is valid until the date and time noted above. 1646
You are required to surrender all firearms in your custody, 1647
control, or possession. You may not have in your custody or 1648
control, purchase, possess, receive, or attempt to purchase or 1649
receive, a firearm while this order is in effect. You must 1650
immediately surrender to the (insert name of local law 1651
enforcement agency) all firearms in your custody, control, or 1652
possession and any license to carry a concealed handgun issued 1653
to you under section 2923.125 or 2923.1213 of the Revised Code 1654
immediately. A hearing will be held on the date and at the time 1655
noted above to determine if an extreme risk protection order 1656
should be issued. Failure to appear at that hearing may result 1657
in a court making an order against you that is valid for one 1658
hundred eighty days. You may seek the advice of an attorney as 1659
to any matter connected with this order." 1660

(G) Any ex parte extreme risk protection order issued 1661
under this section expires upon the hearing on the extreme risk 1662
protection order. 1663

(H) If the court of common pleas declines to issue an ex 1664
parte extreme risk protection order, the court shall state the 1665
particular reasons for the denial. 1666

Sec. 2923.28. (A) An extreme risk protection order issued 1667
under section 2923.26 of the Revised Code shall be personally 1668
served upon the respondent, except as otherwise provided in 1669
sections 2923.26 to 2923.30 of the Revised Code. 1670

(B) The law enforcement agency with jurisdiction over the 1671
area in which the respondent resides shall serve the respondent 1672
personally unless the petitioner elects to have the respondent 1673

served by a private party. 1674

(C) If service by the local law enforcement agency is to 1675
be used, the clerk of court shall cause a copy of the order 1676
issued under section 2923.26 of the Revised Code to be forwarded 1677
on or before the next judicial day to the local law enforcement 1678
agency specified in the order for service upon the respondent. 1679

(D) If the law enforcement agency is unable to complete 1680
service on the respondent within ten days, the law enforcement 1681
agency shall notify the petitioner. The petitioner shall provide 1682
any information necessary to allow the law enforcement agency to 1683
complete service on the respondent. 1684

(E) If an order entered by the court specifies that the 1685
respondent appeared in person before the court, further service 1686
is waived and proof of service is not necessary. 1687

(F) If the court previously entered an order allowing 1688
service of the notice and petition or an ex parte extreme risk 1689
protection order by publication or mail under division (H) of 1690
this section, or if the court finds there are now grounds to 1691
allow for that method of service, the court may permit service 1692
by publication or mail of the extreme risk protection order as 1693
provided in that division. 1694

(G) Return of service under sections 2923.26 to 2923.30 of 1695
the Revised Code shall be made in accordance with applicable 1696
rules of court. 1697

(H) The court may order service by publication or service 1698
by mail as provided by the Rules of Civil Procedure except that 1699
any summons shall contain the name of the respondent and 1700
petitioner, the date and time of the hearing, and any ex parte 1701
extreme risk protection order that has been issued against the 1702

respondent, and the following notice: 1703

"If you fail to respond, an extreme risk protection order 1704
may be issued against you pursuant to sections 2923.26 to 1705
2923.30 of the Revised Code for one hundred eighty days from the 1706
date you are required to appear." 1707

(I) If the court orders service by publication or mail for 1708
notice of an extreme risk protection order hearing, it shall 1709
also reissue the ex parte extreme risk protection order, if 1710
issued, to expire on the date of the extreme risk protection 1711
order hearing. 1712

(J) Following completion of service by publication or by 1713
mail for notice of an extreme risk protection order hearing, if 1714
the respondent fails to appear at the hearing, the court may 1715
issue an extreme risk protection order as provided in section 1716
2923.26 of the Revised Code. 1717

(K) The clerk of the court shall enter any extreme risk 1718
protection order or ex parte extreme risk protection order 1719
issued under sections 2923.26 to 2923.30 of the Revised Code 1720
into a statewide judicial information system on the same day 1721
such order is issued. 1722

(L) The clerk of the court shall forward a copy of an 1723
order issued under sections 2923.26 to 2923.30 of the Revised 1724
Code the same day the order is issued to the appropriate law 1725
enforcement agency specified in the order. Upon receipt of the 1726
copy of the order, the law enforcement agency shall enter the 1727
order into the national instant criminal background check 1728
system, any other federal or state computer-based systems used 1729
by law enforcement or others to identify prohibited purchasers 1730
of firearms, and any computer-based criminal intelligence 1731

information system available in this state used by law 1732
enforcement agencies to list outstanding warrants. The order 1733
shall remain in each system for the period stated in the order, 1734
and the law enforcement agency shall only remove orders from the 1735
systems that have expired or terminated. Entry into the 1736
computer-based criminal intelligence information system 1737
constitutes notice to all law enforcement agencies of the 1738
existence of the order. The order is fully enforceable in any 1739
county in the state. 1740

(M) (1) The issuing court shall, within three judicial days 1741
after issuance of an extreme risk protection order or ex parte 1742
extreme risk protection order, forward a copy of the 1743
respondent's driver's license or state identification card, or 1744
comparable information, along with the date of the order's 1745
issuance, to the sheriff that has issued a concealed handgun 1746
license to the respondent. Upon receipt of the information, the 1747
sheriff shall immediately revoke the respondent's license in 1748
accordance with division (B) of section 2923.128 of the Revised 1749
Code. 1750

(2) The court, if necessary, may apply for access to the 1751
law enforcement automated data system to identify a sheriff that 1752
has issued a concealed handgun license to a respondent. For 1753
purposes of this inquiry, the court is a criminal justice 1754
agency. 1755

(N) If an extreme risk protection order is terminated 1756
before its expiration date, the clerk of the court shall forward 1757
the same day a copy of the termination order to the appropriate 1758
law enforcement agency specified in the termination order. Upon 1759
receipt of the order, the law enforcement agency shall promptly 1760
remove the order from any computer-based system in which it was 1761

entered pursuant to division (L) of this section. 1762

Sec. 2923.29. (A) The respondent may submit one written 1763
request for a hearing to terminate an extreme risk protection 1764
order issued under sections 2923.26 to 2923.30 of the Revised 1765
Code every one-hundred-eighty-day period that the order is in 1766
effect, starting from the date of the order and continuing 1767
through any renewals. 1768

(1) Upon receipt of the request for a hearing to terminate 1769
an extreme risk protection order, the court shall set a date for 1770
a hearing. Notice of the request shall be served on the 1771
petitioner in accordance with the Rules of Civil Procedure. The 1772
hearing shall occur not sooner than fourteen days and not later 1773
than thirty days after the date the petitioner is served with 1774
the request. 1775

(2) The respondent shall have the burden of proving by a 1776
preponderance of the evidence that the respondent does not pose 1777
a significant danger of causing personal injury to self or 1778
others by having custody or control of a firearm or the ability 1779
to purchase, possess, or receive a firearm. The court may 1780
consider any relevant evidence, including evidence of the 1781
considerations listed in division (N)(1) of section 2923.26 of 1782
the Revised Code. 1783

(3) If the court finds after the hearing that the 1784
respondent has met the respondent's burden, the court shall 1785
terminate the order. 1786

(B) The court shall notify the petitioner of the impending 1787
expiration of an extreme risk protection order. Notice shall be 1788
received by the petitioner sixty calendar days before the date 1789
the order expires. 1790

(C) A family or household member of a respondent or a law enforcement officer or agency may by motion request a renewal of an extreme risk protection not sooner than sixty calendar days before the expiration of the order. 1791
1792
1793
1794

(D) Upon receipt of a motion to renew, the court shall order that a hearing be held not later than fourteen days from the date the order is issued. The court may schedule a hearing by telephone in the manner prescribed by division (J) (1) of section 2923.26 of the Revised Code. The respondent shall be personally served in the same manner prescribed by divisions (I) (3) and (L) of section 2923.26 of the Revised Code. 1795
1796
1797
1798
1799
1800
1801

(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. 1802
1803
1804
1805
1806

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. 1807
1808
1809
1810
1811
1812
1813
1814
1815
1816

(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. 1817
1818
1819
1820

Sec. 2923.30. (A) Upon issuance of any extreme risk 1821
protection order under this chapter, including an ex parte 1822
extreme risk protection order, the court shall order the 1823
respondent to surrender to the local law enforcement agency all 1824
firearms in the respondent's custody, control, or possession and 1825
any license to carry a concealed handgun issued to the 1826
respondent under section 2923.125 or 2923.1213 of the Revised 1827
Code. 1828

(B) The law enforcement officer serving any extreme risk 1829
protection order under sections 2923.26 to 2923.30 of the 1830
Revised Code, including an ex parte extreme risk protection 1831
order, shall request that the respondent immediately surrender 1832
all firearms in the respondent's custody, control, or possession 1833
and any license to carry a concealed handgun issued to the 1834
respondent under section 2923.125 or 2923.1213 of the Revised 1835
Code, and conduct any search permitted by law for such firearms. 1836

(C) The law enforcement officer shall take possession of 1837
all firearms belonging to the respondent that are surrendered, 1838
in plain sight, or discovered pursuant to a lawful search. 1839
Alternatively, if personal service by a law enforcement officer 1840
is not possible, or not required because the respondent was 1841
present at the extreme risk protection order hearing, the 1842
respondent shall surrender the firearms in a safe manner to the 1843
control of the local law enforcement agency within forty-eight 1844
hours of being served with the order by alternate service or 1845
within forty-eight hours of the hearing at which the respondent 1846
was present. 1847

(D) At the time of surrender, a law enforcement officer 1848
taking possession of a firearm or concealed handgun license 1849
shall issue a receipt identifying all firearms that have been 1850

surrendered and provide a copy of the receipt to the respondent. 1851
Within seventy-two hours after service of the order, the officer 1852
-serving the order shall file the original receipt with the court 1853
and shall ensure that the officer's law enforcement agency 1854
retains a copy of the receipt. 1855

(E) Upon the sworn statement or testimony of the 1856
petitioner or of any law enforcement officer alleging that the 1857
respondent has failed to comply with the surrender of firearms 1858
as required by an order issued under sections 2923.26 to 2923.30 1859
of the Revised Code, the court shall determine whether probable 1860
cause exists to believe that the respondent has failed to 1861
surrender all firearms in the respondent's possession, custody, 1862
or control. If probable cause exists, the court shall issue a 1863
warrant describing the firearms and authorizing a search of the 1864
locations where the firearms are reasonably believed to be and 1865
the seizure of any firearms discovered pursuant to such search. 1866

(F) If a person other than the respondent claims title to 1867
any firearm surrendered pursuant to this section, and the other 1868
person is determined by the law enforcement agency to be the 1869
lawful owner of the firearm, the firearm shall be returned to 1870
the other person, provided that both of the following apply: 1871

(1) The firearm is removed from the respondent's custody, 1872
control, or possession and the lawful owner agrees to store the 1873
firearm in a manner such that the respondent does not have 1874
access to or control of the firearm. 1875

(2) The lawful owner is not prohibited from possessing the 1876
firearm under state or federal law. 1877

(G) Upon the issuance of an extreme risk protection order, 1878
the court shall order a new hearing date and require the 1879

respondent to appear not later than three judicial days from the 1880
issuance of the order. The court shall require a showing that 1881
the respondent has surrendered any firearms in the respondent's 1882
custody, control, or possession. The court may dismiss the 1883
hearing upon a satisfactory showing that the respondent is in 1884
compliance with the order. 1885

(H) All law enforcement agencies shall develop policies 1886
and procedures not later than six months after the effective 1887
date of this section regarding the acceptance, storage, and 1888
return of firearms required to be surrendered under sections 1889
2923.26 to 2923.30 of the Revised Code. 1890

(I) If an extreme risk protection order is terminated or 1891
expires without renewal, a law enforcement agency holding any 1892
firearm that has been surrendered pursuant to sections 2923.26 1893
to 2923.30 of the Revised Code shall return any surrendered 1894
firearm requested by a respondent only after confirming, through 1895
a background check, that the respondent is currently eligible to 1896
own or possess firearms under federal and state law and after 1897
confirming with the court that the extreme risk protection order 1898
has terminated or has expired without renewal. 1899

(J) A law enforcement agency shall, if requested, provide 1900
prior notice of the return of a firearm to a respondent to 1901
family or household members of the respondent. 1902

(K) Any firearm surrendered by a respondent pursuant to 1903
this section that remains unclaimed by the lawful owner shall be 1904
disposed of in accordance with the law enforcement agency's 1905
policies and procedures for the disposal of firearms in police 1906
custody. 1907

Sec. 2923.99. (A) Except as provided in this section, 1908

sections 2923.26 to 2923.30 of the Revised Code do not impose 1909
criminal or civil liability on any person or entity for acts or 1910
omissions related to obtaining an extreme risk protection order 1911
or ex parte extreme risk protection order including for 1912
reporting, declining to report, investigating, declining to 1913
investigate, filing, or declining to file a petition under those 1914
sections. 1915

(B) (1) No person shall do either of the following: 1916

(a) File a petition for an extreme risk protection order 1917
under section 2923.26 of the Revised Code alleging that the 1918
respondent poses a significant danger of causing personal injury 1919
to self or others by having in the respondent's custody or 1920
control, purchasing, possessing, or receiving a firearm if the 1921
person knows the allegation is false; 1922

(b) File an application for an ex parte extreme risk 1923
protection order under section 2923.27 of the Revised Code 1924
alleging that the respondent poses a significant danger of 1925
causing personal injury to self or others in the near future by 1926
having custody or control of a firearm or the ability to 1927
purchase, possess, or receive a firearm if the person knows the 1928
allegation is false. 1929

(2) An individual injured in person or property by a 1930
violation of division (B) (1) (a) or (b) of this section has, and 1931
may recover full damages in, a civil action under section 1932
2307.60 of the Revised Code. A civil action described in this 1933
division is in addition to, and does not preclude, any possible 1934
criminal prosecution of the person who violates division (B) (1) 1935
(a) or (b) of this section. 1936

(3) Whoever violates division (B) (1) (a) or (b) of this 1937

section is guilty of a felony of the fifth degree. 1938

(C) (1) No person shall acquire, have, carry, or use any 1939
firearm with knowledge that the person is prohibited from doing 1940
so by an order issued under this section or sections 2923.26 to 1941
2923.30 of the Revised Code. 1942

(2) A person who violates division (C) (1) of this section 1943
is guilty of having a firearm while under extreme risk 1944
protection order disability. Except as provided in division (C) 1945
(3) of this section, having a firearm while under extreme risk 1946
protection order disability is a misdemeanor of the third 1947
degree. 1948

(3) If a person found guilty of having a firearm while 1949
under extreme risk protection order disability has two or more 1950
previous convictions for such an offense, having a firearm while 1951
under extreme risk protection order disability is a felony of 1952
the fifth degree. 1953

(D) In addition to the penalties prescribed in division 1954
(C) of this section, no person found guilty of having a firearm 1955
while under extreme risk protection order disability shall 1956
knowingly acquire, have, carry, or use any firearm or dangerous 1957
ordnance for a period of five years after the date the 1958
underlying extreme risk protection order expires. 1959

Section 2. That existing sections 109.57, 2923.125, 1960
2923.128, and 2923.13 of the Revised Code are hereby repealed. 1961

Section 3. Sections 2923.26 to 2923.30 and 2923.99 of the 1962
Revised Code, as enacted by this act, shall be known as the 1963
"Extreme Risk Protection Order Act." 1964

Section 4. Section 2923.13 of the Revised Code is 1965
presented in this act as a composite of the section as amended 1966

by both Am. Sub. H.B. 234 and Am. Sub. S.B. 43 of the 130th	1967
General Assembly. The General Assembly, applying the principle	1968
stated in division (B) of section 1.52 of the Revised Code that	1969
amendments are to be harmonized if reasonably capable of	1970
simultaneous operation, finds that the composite is the	1971
resulting version of the section in effect prior to the	1972
effective date of the section as presented in this act.	1973