

As Introduced

134th General Assembly

Regular Session

2021-2022

H. B. No. 89

Representative Wiggam

**Cosponsors: Representatives Edwards, Lipps, Merrin, Manchester, Seitz, Vitale,
Kick, Stoltzfus, Pavliga, Powell, Fowler Arthur, Schmidt**

A BILL

To amend sections 2923.12, 2923.126, 2923.128, and 1
2923.16 of the Revised Code to modify the 2
requirement that a concealed handgun licensee 3
must notify a law enforcement officer that the 4
licensee is authorized to carry a concealed 5
handgun and is carrying a concealed handgun when 6
stopped. 7

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

Section 1. That sections 2923.12, 2923.126, 2923.128, and 8
2923.16 of the Revised Code be amended to read as follows: 9

Sec. 2923.12. (A) No person shall knowingly carry or have, 10
concealed on the person's person or concealed ready at hand, any 11
of the following: 12

(1) A deadly weapon other than a handgun; 13

(2) A handgun other than a dangerous ordnance; 14

(3) A dangerous ordnance. 15

(B) No person who has been issued a concealed handgun 16

license shall do any of the following: 17

(1) If the person is stopped for a law enforcement purpose 18
and is carrying a concealed handgun, before or at the time a law 19
enforcement officer requests the person's concealed handgun 20
license or asks if the person is carrying a concealed handgun, 21
fail to ~~promptly do~~ both of the following: 22

(a) Display the person's concealed handgun license or 23
orally inform any the law enforcement officer who approaches the 24
~~person after the person has been stopped~~ that the person has 25
been issued a concealed handgun license ~~and;~~ 26

(b) Disclose that the person then is carrying a concealed 27
handgun ~~and.~~ 28

(2) If the person is stopped for a law enforcement purpose 29
and is carrying a concealed handgun, knowingly fail to keep the 30
person's hands in plain sight at any time after any law 31
enforcement officer begins approaching the person while stopped 32
and before the law enforcement officer leaves, unless the 33
failure is pursuant to and in accordance with directions given 34
by a law enforcement officer; 35

(3) If the person is stopped for a law enforcement 36
purpose, if the person is carrying a concealed handgun, and if 37
the person is approached by any law enforcement officer while 38
stopped, knowingly remove or attempt to remove the loaded 39
handgun from the holster, pocket, or other place in which the 40
person is carrying it, knowingly grasp or hold the loaded 41
handgun, or knowingly have contact with the loaded handgun by 42
touching it with the person's hands or fingers at any time after 43
the law enforcement officer begins approaching and before the 44
law enforcement officer leaves, unless the person removes, 45

attempts to remove, grasps, holds, or has contact with the 46
loaded handgun pursuant to and in accordance with directions 47
given by the law enforcement officer; 48

(4) If the person is stopped for a law enforcement purpose 49
and is carrying a concealed handgun, knowingly disregard or fail 50
to comply with any lawful order of any law enforcement officer 51
given while the person is stopped, including, but not limited 52
to, a specific order to the person to keep the person's hands in 53
plain sight. 54

(C) (1) This section does not apply to any of the 55
following: 56

(a) An officer, agent, or employee of this or any other 57
state or the United States, or to a law enforcement officer, who 58
is authorized to carry concealed weapons or dangerous ordnance 59
or is authorized to carry handguns and is acting within the 60
scope of the officer's, agent's, or employee's duties; 61

(b) Any person who is employed in this state, who is 62
authorized to carry concealed weapons or dangerous ordnance or 63
is authorized to carry handguns, and who is subject to and in 64
compliance with the requirements of section 109.801 of the 65
Revised Code, unless the appointing authority of the person has 66
expressly specified that the exemption provided in division (C) 67
(1) (b) of this section does not apply to the person; 68

(c) A person's transportation or storage of a firearm, 69
other than a firearm described in divisions (G) to (M) of 70
section 2923.11 of the Revised Code, in a motor vehicle for any 71
lawful purpose if the firearm is not on the actor's person; 72

(d) A person's storage or possession of a firearm, other 73
than a firearm described in divisions (G) to (M) of section 74

2923.11 of the Revised Code, in the actor's own home for any 75
lawful purpose. 76

(2) Division (A) (2) of this section does not apply to any 77
person who, at the time of the alleged carrying or possession of 78
a handgun, either is carrying a valid concealed handgun license 79
or is an active duty member of the armed forces of the United 80
States and is carrying a valid military identification card and 81
documentation of successful completion of firearms training that 82
meets or exceeds the training requirements described in division 83
(G) (1) of section 2923.125 of the Revised Code, unless the 84
person knowingly is in a place described in division (B) of 85
section 2923.126 of the Revised Code. 86

(D) It is an affirmative defense to a charge under 87
division (A) (1) of this section of carrying or having control of 88
a weapon other than a handgun and other than a dangerous 89
ordnance that the actor was not otherwise prohibited by law from 90
having the weapon and that any of the following applies: 91

(1) The weapon was carried or kept ready at hand by the 92
actor for defensive purposes while the actor was engaged in or 93
was going to or from the actor's lawful business or occupation, 94
which business or occupation was of a character or was 95
necessarily carried on in a manner or at a time or place as to 96
render the actor particularly susceptible to criminal attack, 97
such as would justify a prudent person in going armed. 98

(2) The weapon was carried or kept ready at hand by the 99
actor for defensive purposes while the actor was engaged in a 100
lawful activity and had reasonable cause to fear a criminal 101
attack upon the actor, a member of the actor's family, or the 102
actor's home, such as would justify a prudent person in going 103
armed. 104

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

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

(F) (1) Whoever violates this section is guilty of carrying concealed weapons. Except as otherwise provided in this division or divisions (F) (2), (5), and (6), ~~and (7)~~ of this section, carrying concealed weapons in violation of division (A) of this section is a misdemeanor of the first degree. Except as otherwise provided in this division or divisions (F) (2), (5), and (6), ~~and (7)~~ of this section, if the offender previously has been convicted of a violation of this section or of any offense of violence, if the weapon involved is a firearm that is either loaded or for which the offender has ammunition ready at hand, or if the weapon involved is dangerous ordnance, carrying concealed weapons in violation of division (A) of this section is a felony of the fourth degree. Except as otherwise provided in divisions (F) (2) and ~~(6)~~ (5) of this section, if the offense is committed aboard an aircraft, or with purpose to carry a concealed weapon aboard an aircraft, regardless of the weapon involved, carrying concealed weapons in violation of division (A) of this section is a felony of the third degree.

(2) Except as provided in division ~~(F) (6)~~ (F) (5) of this section, if a person being arrested for a violation of division (A) (2) of this section promptly produces a valid concealed handgun license, and if at the time of the violation the person was not knowingly in a place described in division (B) of section 2923.126 of the Revised Code, the officer shall not arrest the person for a violation of that division. If the

person is not able to promptly produce any concealed handgun license and if the person is not in a place described in that section, the officer may arrest the person for a violation of that division, and the offender shall be punished as follows:

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

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

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

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

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

(ii) Within forty-five days after the arrest, the offender presents a concealed handgun license to the law enforcement agency that employed the arresting officer, and the offender waives in writing the offender's right to a speedy trial on the charge of the violation that is provided in section 2945.71 of the Revised Code.

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

(c) If divisions (F) (2) (a) and (b) and ~~(F) (6)~~ (F) (5) of 163
this section do not apply, the offender shall be punished under 164
division (F) (1) or ~~(7)~~ (6) of this section. 165

~~(3) Except as otherwise provided in this division, 166
carrying concealed weapons in violation of division (B) (1) of 167
this section is a misdemeanor of the first degree, and, in 168
addition to any other penalty or sanction imposed for a 169
violation of division (B) (1) of this section, the offender's 170
concealed handgun license shall be suspended pursuant to 171
division (A) (2) of section 2923.128 of the Revised Code. If, at 172
the time of the stop of the offender for a law enforcement 173
purpose that was the basis of the violation, any law enforcement 174
officer involved with the stop had actual knowledge that the 175
offender has been issued a concealed handgun license, carrying 176
concealed weapons in violation of division (B) (1) of this 177
section is a minor misdemeanor, and the offender's concealed 178
handgun license shall not be suspended pursuant to division (A) 179
(2) of section 2923.128 of the Revised Code. 180~~

~~(4) Carrying concealed weapons in violation of division 181
(B) (2) or (4) of this section is a misdemeanor of the first 182
degree or, if the offender previously has been convicted of or 183
pleaded guilty to a violation of division (B) (2) or (4) of this 184
section, a felony of the fifth degree. In addition to any other 185
penalty or sanction imposed for a misdemeanor violation of 186
division (B) (2) or (4) of this section, the offender's concealed 187
handgun license shall be suspended pursuant to division (A) (2) 188
of section 2923.128 of the Revised Code. 189~~

~~(5)~~ (4) Carrying concealed weapons in violation of 190
division (B) (3) of this section is a felony of the fifth degree. 191

~~(6)~~ (5) If a person being arrested for a violation of 192

division (A) (2) of this section is an active duty member of the 193
armed forces of the United States and is carrying a valid 194
military identification card and documentation of successful 195
completion of firearms training that meets or exceeds the 196
training requirements described in division (G) (1) of section 197
2923.125 of the Revised Code, and if at the time of the 198
violation the person was not knowingly in a place described in 199
division (B) of section 2923.126 of the Revised Code, the 200
officer shall not arrest the person for a violation of that 201
division. If the person is not able to promptly produce a valid 202
military identification card and documentation of successful 203
completion of firearms training that meets or exceeds the 204
training requirements described in division (G) (1) of section 205
2923.125 of the Revised Code and if the person is not in a place 206
described in division (B) of section 2923.126 of the Revised 207
Code, the officer shall issue a citation and the offender shall 208
be assessed a civil penalty of not more than five hundred 209
dollars. The citation shall be automatically dismissed and the 210
civil penalty shall not be assessed if both of the following 211
apply: 212

(a) Within ten days after the issuance of the citation, 213
the offender presents a valid military identification card and 214
documentation of successful completion of firearms training that 215
meets or exceeds the training requirements described in division 216
(G) (1) of section 2923.125 of the Revised Code, which were both 217
valid at the time of the issuance of the citation to the law 218
enforcement agency that employs the citing officer. 219

(b) At the time of the citation, the offender was not 220
knowingly in a place described in division (B) of section 221
2923.126 of the Revised Code. 222

~~(7)~~ (6) If a person being arrested for a violation of 223
division (A) (2) of this section is knowingly in a place 224
described in division (B) (5) of section 2923.126 of the Revised 225
Code and is not authorized to carry a handgun or have a handgun 226
concealed on the person's person or concealed ready at hand 227
under that division, the penalty shall be as follows: 228

(a) Except as otherwise provided in this division, if the 229
person produces a valid concealed handgun license within ten 230
days after the arrest and has not previously been convicted or 231
pleaded guilty to a violation of division (A) (2) of this 232
section, the person is guilty of a minor misdemeanor; 233

(b) Except as otherwise provided in this division, if the 234
person has previously been convicted of or pleaded guilty to a 235
violation of division (A) (2) of this section, the person is 236
guilty of a misdemeanor of the fourth degree; 237

(c) Except as otherwise provided in this division, if the 238
person has previously been convicted of or pleaded guilty to two 239
violations of division (A) (2) of this section, the person is 240
guilty of a misdemeanor of the third degree; 241

(d) Except as otherwise provided in this division, if the 242
person has previously been convicted of or pleaded guilty to 243
three or more violations of division (A) (2) of this section, or 244
convicted of or pleaded guilty to any offense of violence, if 245
the weapon involved is a firearm that is either loaded or for 246
which the offender has ammunition ready at hand, or if the 247
weapon involved is a dangerous ordnance, the person is guilty of 248
a misdemeanor of the second degree. 249

(G) If a law enforcement officer stops a person to 250
question the person regarding a possible violation of this 251

section, for a traffic stop, or for any other law enforcement 252
purpose, if the person surrenders a firearm to the officer, 253
either voluntarily or pursuant to a request or demand of the 254
officer, and if the officer does not charge the person with a 255
violation of this section or arrest the person for any offense, 256
the person is not otherwise prohibited by law from possessing 257
the firearm, and the firearm is not contraband, the officer 258
shall return the firearm to the person at the termination of the 259
stop. If a court orders a law enforcement officer to return a 260
firearm to a person pursuant to the requirement set forth in 261
this division, division (B) of section 2923.163 of the Revised 262
Code applies. 263

(H) For purposes of this section, "deadly weapon" or 264
"weapon" does not include any knife, razor, or cutting 265
instrument if the instrument was not used as a weapon. 266

Sec. 2923.126. (A) (1) A concealed handgun license that is 267
issued under section 2923.125 of the Revised Code shall expire 268
five years after the date of issuance. A licensee who has been 269
issued a license under that section shall be granted a grace 270
period of thirty days after the licensee's license expires 271
during which the licensee's license remains valid. Except as 272
provided in divisions (B) and (C) of this section, a licensee 273
who has been issued a concealed handgun license under section 274
2923.125 or 2923.1213 of the Revised Code may carry a concealed 275
handgun anywhere in this state if the licensee also carries a 276
valid license when the licensee is in actual possession of a 277
concealed handgun. The licensee shall give notice of any change 278
in the licensee's residence address to the sheriff who issued 279
the license within forty-five days after that change. 280

(2) If a licensee is the driver or an occupant of a motor 281

vehicle that is stopped as the result of a traffic stop or a 282
stop for another law enforcement purpose and if the licensee is 283
transporting or has a loaded handgun in the motor vehicle at 284
that time, before or at the time a law enforcement officer 285
requests the licensee's concealed handgun license or asks if the 286
person is carrying a concealed handgun the licensee shall 287
~~promptly display the licensee's concealed handgun license or~~ 288
~~orally inform any the law enforcement officer who approaches the~~ 289
~~vehicle while stopped~~ that the licensee has been issued a 290
concealed handgun license, and disclose that the licensee 291
currently possesses or has a loaded handgun; the licensee shall 292
not knowingly disregard or fail to comply with lawful orders of 293
a law enforcement officer given while the motor vehicle is 294
stopped, knowingly fail to remain in the motor vehicle while 295
stopped, or knowingly fail to keep the licensee's hands in plain 296
sight after any law enforcement officer begins approaching the 297
licensee while stopped and before the officer leaves, unless 298
directed otherwise by a law enforcement officer; and the 299
licensee shall not knowingly have contact with the loaded 300
handgun by touching it with the licensee's hands or fingers, in 301
any manner in violation of division (E) of section 2923.16 of 302
the Revised Code, after any law enforcement officer begins 303
approaching the licensee while stopped and before the officer 304
leaves. ~~Additionally, if~~ 305

(3) If a licensee is the driver or an occupant of a 306
commercial motor vehicle that is stopped by an employee of the 307
motor carrier enforcement unit for the purposes defined in 308
section 5503.34 of the Revised Code and the licensee is 309
transporting or has a loaded handgun in the commercial motor 310
vehicle at that time, before or at the time an employee of the 311
motor carrier enforcement unit requests the licensee's concealed 312

handgun license or asks if the person is carrying a concealed 313
handgun, the licensee shall ~~promptly display the licensee's~~ 314
concealed handgun license or orally inform the employee of the 315
unit ~~who approaches the vehicle while stopped~~ that the licensee 316
has been issued a concealed handgun license and disclose that 317
the licensee currently possesses or has a loaded handgun. 318

(4) If a licensee is stopped for a law enforcement purpose 319
and if the licensee is carrying a concealed handgun at the time 320
the officer approaches, before or at the time a law enforcement 321
officer requests the licensee's concealed handgun license or 322
asks if the person is carrying a concealed handgun, the licensee 323
shall ~~promptly display the licensee's concealed handgun license~~ 324
or orally inform ~~any the~~ law enforcement officer ~~who approaches~~ 325
~~the licensee while stopped~~ that the licensee has been issued a 326
concealed handgun license and disclose that the licensee 327
currently is carrying a concealed handgun; the licensee shall 328
not knowingly disregard or fail to comply with lawful orders of 329
a law enforcement officer given while the licensee is stopped, 330
or knowingly fail to keep the licensee's hands in plain sight 331
after any law enforcement officer begins approaching the 332
licensee while stopped and before the officer leaves, unless 333
directed otherwise by a law enforcement officer; and the 334
licensee shall not knowingly remove, attempt to remove, grasp, 335
or hold the loaded handgun or knowingly have contact with the 336
loaded handgun by touching it with the licensee's hands or 337
fingers, in any manner in violation of division (B) of section 338
2923.12 of the Revised Code, after any law enforcement officer 339
begins approaching the licensee while stopped and before the 340
officer leaves. 341

(B) A valid concealed handgun license does not authorize 342
the licensee to carry a concealed handgun in any manner 343

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

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

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

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

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

(5) Any premises owned or leased by any public or private college, university, or other institution of higher education, unless the handgun is in a locked motor vehicle or the licensee is in the immediate process of placing the handgun in a locked

motor vehicle or unless the licensee is carrying the concealed 373
handgun pursuant to a written policy, rule, or other 374
authorization that is adopted by the institution's board of 375
trustees or other governing body and that authorizes specific 376
individuals or classes of individuals to carry a concealed 377
handgun on the premises; 378

(6) Any church, synagogue, mosque, or other place of 379
worship, unless the church, synagogue, mosque, or other place of 380
worship posts or permits otherwise; 381

(7) Any building that is a government facility of this 382
state or a political subdivision of this state and that is not a 383
building that is used primarily as a shelter, restroom, parking 384
facility for motor vehicles, or rest facility and is not a 385
courthouse or other building or structure in which a courtroom 386
is located that is subject to division (B)(3) of this section, 387
unless the governing body with authority over the building has 388
enacted a statute, ordinance, or policy that permits a licensee 389
to carry a concealed handgun into the building; 390

(8) A place in which federal law prohibits the carrying of 391
handguns. 392

(C)(1) Nothing in this section shall negate or restrict a 393
rule, policy, or practice of a private employer that is not a 394
private college, university, or other institution of higher 395
education concerning or prohibiting the presence of firearms on 396
the private employer's premises or property, including motor 397
vehicles owned by the private employer. Nothing in this section 398
shall require a private employer of that nature to adopt a rule, 399
policy, or practice concerning or prohibiting the presence of 400
firearms on the private employer's premises or property, 401
including motor vehicles owned by the private employer. 402

(2) (a) A private employer shall be immune from liability 403
in a civil action for any injury, death, or loss to person or 404
property that allegedly was caused by or related to a licensee 405
bringing a handgun onto the premises or property of the private 406
employer, including motor vehicles owned by the private 407
employer, unless the private employer acted with malicious 408
purpose. A private employer is immune from liability in a civil 409
action for any injury, death, or loss to person or property that 410
allegedly was caused by or related to the private employer's 411
decision to permit a licensee to bring, or prohibit a licensee 412
from bringing, a handgun onto the premises or property of the 413
private employer. 414

(b) A political subdivision shall be immune from liability 415
in a civil action, to the extent and in the manner provided in 416
Chapter 2744. of the Revised Code, for any injury, death, or 417
loss to person or property that allegedly was caused by or 418
related to a licensee bringing a handgun onto any premises or 419
property owned, leased, or otherwise under the control of the 420
political subdivision. As used in this division, "political 421
subdivision" has the same meaning as in section 2744.01 of the 422
Revised Code. 423

(c) An institution of higher education shall be immune 424
from liability in a civil action for any injury, death, or loss 425
to person or property that allegedly was caused by or related to 426
a licensee bringing a handgun onto the premises of the 427
institution, including motor vehicles owned by the institution, 428
unless the institution acted with malicious purpose. An 429
institution of higher education is immune from liability in a 430
civil action for any injury, death, or loss to person or 431
property that allegedly was caused by or related to the 432
institution's decision to permit a licensee or class of 433

licensees to bring a handgun onto the premises of the 434
institution. 435

(d) A nonprofit corporation shall be immune from liability 436
in a civil action for any injury, death, or loss to person or 437
property that allegedly was caused by or related to a licensee 438
bringing a handgun onto the premises of the nonprofit 439
corporation, including any motor vehicle owned by the nonprofit 440
corporation, or to any event organized by the nonprofit 441
corporation, unless the nonprofit corporation acted with 442
malicious purpose. A nonprofit corporation is immune from 443
liability in a civil action for any injury, death, or loss to 444
person or property that allegedly was caused by or related to 445
the nonprofit corporation's decision to permit a licensee to 446
bring a handgun onto the premises of the nonprofit corporation 447
or to any event organized by the nonprofit corporation. 448

(3) (a) Except as provided in division (C) (3) (b) of this 449
section and section 2923.1214 of the Revised Code, the owner or 450
person in control of private land or premises, and a private 451
person or entity leasing land or premises owned by the state, 452
the United States, or a political subdivision of the state or 453
the United States, may post a sign in a conspicuous location on 454
that land or on those premises prohibiting persons from carrying 455
firearms or concealed firearms on or onto that land or those 456
premises. Except as otherwise provided in this division, a 457
person who knowingly violates a posted prohibition of that 458
nature is guilty of criminal trespass in violation of division 459
(A) (4) of section 2911.21 of the Revised Code and is guilty of a 460
misdemeanor of the fourth degree. If a person knowingly violates 461
a posted prohibition of that nature and the posted land or 462
premises primarily was a parking lot or other parking facility, 463
the person is not guilty of criminal trespass under section 464

2911.21 of the Revised Code or under any other criminal law of 465
this state or criminal law, ordinance, or resolution of a 466
political subdivision of this state, and instead is subject only 467
to a civil cause of action for trespass based on the violation. 468

If a person knowingly violates a posted prohibition of the 469
nature described in this division and the posted land or 470
premises is a child day-care center, type A family day-care 471
home, or type B family day-care home, unless the person is a 472
licensee who resides in a type A family day-care home or type B 473
family day-care home, the person is guilty of aggravated 474
trespass in violation of section 2911.211 of the Revised Code. 475
Except as otherwise provided in this division, the offender is 476
guilty of a misdemeanor of the first degree. If the person 477
previously has been convicted of a violation of this division or 478
of any offense of violence, if the weapon involved is a firearm 479
that is either loaded or for which the offender has ammunition 480
ready at hand, or if the weapon involved is dangerous ordnance, 481
the offender is guilty of a felony of the fourth degree. 482

(b) A landlord may not prohibit or restrict a tenant who 483
is a licensee and who on or after September 9, 2008, enters into 484
a rental agreement with the landlord for the use of residential 485
premises, and the tenant's guest while the tenant is present, 486
from lawfully carrying or possessing a handgun on those 487
residential premises. 488

(c) As used in division (C) (3) of this section: 489

(i) "Residential premises" has the same meaning as in 490
section 5321.01 of the Revised Code, except "residential 491
premises" does not include a dwelling unit that is owned or 492
operated by a college or university. 493

(ii) "Landlord," "tenant," and "rental agreement" have the 494
same meanings as in section 5321.01 of the Revised Code. 495

(D) A person who holds a valid concealed handgun license 496
issued by another state that is recognized by the attorney 497
general pursuant to a reciprocity agreement entered into 498
pursuant to section 109.69 of the Revised Code or a person who 499
holds a valid concealed handgun license under the circumstances 500
described in division (B) of section 109.69 of the Revised Code 501
has the same right to carry a concealed handgun in this state as 502
a person who was issued a concealed handgun license under 503
section 2923.125 of the Revised Code and is subject to the same 504
restrictions that apply to a person who carries a license issued 505
under that section. 506

(E) (1) A peace officer has the same right to carry a 507
concealed handgun in this state as a person who was issued a 508
concealed handgun license under section 2923.125 of the Revised 509
Code, provided that the officer when carrying a concealed 510
handgun under authority of this division is carrying validating 511
identification. For purposes of reciprocity with other states, a 512
peace officer shall be considered to be a licensee in this 513
state. 514

(2) An active duty member of the armed forces of the 515
United States who is carrying a valid military identification 516
card and documentation of successful completion of firearms 517
training that meets or exceeds the training requirements 518
described in division (G) (1) of section 2923.125 of the Revised 519
Code has the same right to carry a concealed handgun in this 520
state as a person who was issued a concealed handgun license 521
under section 2923.125 of the Revised Code and is subject to the 522
same restrictions as specified in this section. 523

(3) A tactical medical professional who is qualified to 524
carry firearms while on duty under section 109.771 of the 525
Revised Code has the same right to carry a concealed handgun in 526
this state as a person who was issued a concealed handgun 527
license under section 2923.125 of the Revised Code. 528

(F) (1) A qualified retired peace officer who possesses a 529
retired peace officer identification card issued pursuant to 530
division (F) (2) of this section and a valid firearms 531
requalification certification issued pursuant to division (F) (3) 532
of this section has the same right to carry a concealed handgun 533
in this state as a person who was issued a concealed handgun 534
license under section 2923.125 of the Revised Code and is 535
subject to the same restrictions that apply to a person who 536
carries a license issued under that section. For purposes of 537
reciprocity with other states, a qualified retired peace officer 538
who possesses a retired peace officer identification card issued 539
pursuant to division (F) (2) of this section and a valid firearms 540
requalification certification issued pursuant to division (F) (3) 541
of this section shall be considered to be a licensee in this 542
state. 543

(2) (a) Each public agency of this state or of a political 544
subdivision of this state that is served by one or more peace 545
officers shall issue a retired peace officer identification card 546
to any person who retired from service as a peace officer with 547
that agency, if the issuance is in accordance with the agency's 548
policies and procedures and if the person, with respect to the 549
person's service with that agency, satisfies all of the 550
following: 551

(i) The person retired in good standing from service as a 552
peace officer with the public agency, and the retirement was not 553

for reasons of mental instability. 554

(ii) Before retiring from service as a peace officer with 555
that agency, the person was authorized to engage in or supervise 556
the prevention, detection, investigation, or prosecution of, or 557
the incarceration of any person for, any violation of law and 558
the person had statutory powers of arrest. 559

(iii) At the time of the person's retirement as a peace 560
officer with that agency, the person was trained and qualified 561
to carry firearms in the performance of the peace officer's 562
duties. 563

(iv) Before retiring from service as a peace officer with 564
that agency, the person was regularly employed as a peace 565
officer for an aggregate of fifteen years or more, or, in the 566
alternative, the person retired from service as a peace officer 567
with that agency, after completing any applicable probationary 568
period of that service, due to a service-connected disability, 569
as determined by the agency. 570

(b) A retired peace officer identification card issued to 571
a person under division (F) (2) (a) of this section shall identify 572
the person by name, contain a photograph of the person, identify 573
the public agency of this state or of the political subdivision 574
of this state from which the person retired as a peace officer 575
and that is issuing the identification card, and specify that 576
the person retired in good standing from service as a peace 577
officer with the issuing public agency and satisfies the 578
criteria set forth in divisions (F) (2) (a) (i) to (iv) of this 579
section. In addition to the required content specified in this 580
division, a retired peace officer identification card issued to 581
a person under division (F) (2) (a) of this section may include 582
the firearms requalification certification described in division 583

(F) (3) of this section, and if the identification card includes 584
that certification, the identification card shall serve as the 585
firearms requalification certification for the retired peace 586
officer. If the issuing public agency issues credentials to 587
active law enforcement officers who serve the agency, the agency 588
may comply with division (F) (2) (a) of this section by issuing 589
the same credentials to persons who retired from service as a 590
peace officer with the agency and who satisfy the criteria set 591
forth in divisions (F) (2) (a) (i) to (iv) of this section, 592
provided that the credentials so issued to retired peace 593
officers are stamped with the word "RETIRED." 594

(c) A public agency of this state or of a political 595
subdivision of this state may charge persons who retired from 596
service as a peace officer with the agency a reasonable fee for 597
issuing to the person a retired peace officer identification 598
card pursuant to division (F) (2) (a) of this section. 599

(3) If a person retired from service as a peace officer 600
with a public agency of this state or of a political subdivision 601
of this state and the person satisfies the criteria set forth in 602
divisions (F) (2) (a) (i) to (iv) of this section, the public 603
agency may provide the retired peace officer with the 604
opportunity to attend a firearms requalification program that is 605
approved for purposes of firearms requalification required under 606
section 109.801 of the Revised Code. The retired peace officer 607
may be required to pay the cost of the course. 608

If a retired peace officer who satisfies the criteria set 609
forth in divisions (F) (2) (a) (i) to (iv) of this section attends 610
a firearms requalification program that is approved for purposes 611
of firearms requalification required under section 109.801 of 612
the Revised Code, the retired peace officer's successful 613

completion of the firearms requalification program requalifies 614
the retired peace officer for purposes of division (F) of this 615
section for five years from the date on which the program was 616
successfully completed, and the requalification is valid during 617
that five-year period. If a retired peace officer who satisfies 618
the criteria set forth in divisions (F) (2) (a) (i) to (iv) of this 619
section satisfactorily completes such a firearms requalification 620
program, the retired peace officer shall be issued a firearms 621
requalification certification that identifies the retired peace 622
officer by name, identifies the entity that taught the program, 623
specifies that the retired peace officer successfully completed 624
the program, specifies the date on which the course was 625
successfully completed, and specifies that the requalification 626
is valid for five years from that date of successful completion. 627
The firearms requalification certification for a retired peace 628
officer may be included in the retired peace officer 629
identification card issued to the retired peace officer under 630
division (F) (2) of this section. 631

A retired peace officer who attends a firearms 632
requalification program that is approved for purposes of 633
firearms requalification required under section 109.801 of the 634
Revised Code may be required to pay the cost of the program. 635

(G) As used in this section: 636

(1) "Qualified retired peace officer" means a person who 637
satisfies all of the following: 638

(a) The person satisfies the criteria set forth in 639
divisions (F) (2) (a) (i) to (v) of this section. 640

(b) The person is not under the influence of alcohol or 641
another intoxicating or hallucinatory drug or substance. 642

- (c) The person is not prohibited by federal law from receiving firearms. 643
644
- (2) "Retired peace officer identification card" means an identification card that is issued pursuant to division (F) (2) of this section to a person who is a retired peace officer. 645
646
647
- (3) "Government facility of this state or a political subdivision of this state" means any of the following: 648
649
- (a) A building or part of a building that is owned or leased by the government of this state or a political subdivision of this state and where employees of the government of this state or the political subdivision regularly are present for the purpose of performing their official duties as employees of the state or political subdivision; 650
651
652
653
654
655
- (b) The office of a deputy registrar serving pursuant to Chapter 4503. of the Revised Code that is used to perform deputy registrar functions. 656
657
658
- (4) "Governing body" has the same meaning as in section 154.01 of the Revised Code. 659
660
- (5) "Tactical medical professional" has the same meaning as in section 109.71 of the Revised Code. 661
662
- (6) "Validating identification" means photographic identification issued by the agency for which an individual serves as a peace officer that identifies the individual as a peace officer of the agency. 663
664
665
666
- (7) "Nonprofit corporation" means any private organization that is exempt from federal income taxation pursuant to subsection 501(a) and described in subsection 501(c) of the Internal Revenue Code. 667
668
669
670

Sec. 2923.128. (A) (1) (a) If a licensee holding a valid 671
concealed handgun license is arrested for or otherwise charged 672
with an offense described in division (D) (1) (d) of section 673
2923.125 of the Revised Code or with a violation of section 674
2923.15 of the Revised Code or becomes subject to a temporary 675
protection order or to a protection order issued by a court of 676
another state that is substantially equivalent to a temporary 677
protection order, the sheriff who issued the license shall 678
suspend it and shall comply with division (A) (3) of this section 679
upon becoming aware of the arrest, charge, or protection order. 680
Upon suspending the license, the sheriff also shall comply with 681
division (H) of section 2923.125 of the Revised Code. 682

(b) A suspension under division (A) (1) (a) of this section 683
shall be considered as beginning on the date that the licensee 684
is arrested for or otherwise charged with an offense described 685
in that division or on the date the appropriate court issued the 686
protection order described in that division, irrespective of 687
when the sheriff notifies the licensee under division (A) (3) of 688
this section. The suspension shall end on the date on which the 689
charges are dismissed or the licensee is found not guilty of the 690
offense described in division (A) (1) (a) of this section or, 691
subject to division (B) of this section, on the date the 692
appropriate court terminates the protection order described in 693
that division. If the suspension so ends, the sheriff shall 694
return the license or temporary emergency license to the 695
licensee. 696

(2) (a) If a licensee holding a valid concealed handgun 697
license is convicted of or pleads guilty to a misdemeanor 698
violation of division (B) ~~(1), (2)~~ or (4) of section 2923.12 of 699
the Revised Code or of division (E) ~~(1), (2), (3)~~ or (5) of 700
section 2923.16 of the Revised Code, ~~except as provided in~~ 701

~~division (A) (2) (c) of this section and~~ subject to division (C) 702
of this section, the sheriff who issued the license shall 703
suspend it and shall comply with division (A) (3) of this section 704
upon becoming aware of the conviction or guilty plea. Upon 705
suspending the license, the sheriff also shall comply with 706
division (H) of section 2923.125 of the Revised Code. 707

(b) A suspension under division (A) (2) (a) of this section 708
shall be considered as beginning on the date that the licensee 709
is convicted of or pleads guilty to the offense described in 710
that division, irrespective of when the sheriff notifies the 711
licensee under division (A) (3) of this section. If the 712
suspension is imposed for a misdemeanor violation of division 713
(B) ~~(1) or~~ (2) of section 2923.12 of the Revised Code or of 714
division (E) ~~(1), (2), or~~ (3) of section 2923.16 of the Revised 715
Code, it shall end on the date that is one year after the date 716
that the licensee is convicted of or pleads guilty to that 717
violation. If the suspension is imposed for a misdemeanor 718
violation of division (B) (4) of section 2923.12 of the Revised 719
Code or of division (E) (5) of section 2923.16 of the Revised 720
Code, it shall end on the date that is two years after the date 721
that the licensee is convicted of or pleads guilty to that 722
violation. If the licensee's license was issued under section 723
2923.125 of the Revised Code and the license remains valid after 724
the suspension ends as described in this division, when the 725
suspension ends, the sheriff shall return the license to the 726
licensee. If the licensee's license was issued under section 727
2923.125 of the Revised Code and the license expires before the 728
suspension ends as described in this division, or if the 729
licensee's license was issued under section 2923.1213 of the 730
Revised Code, the licensee is not eligible to apply for a new 731
license under section 2923.125 or 2923.1213 of the Revised Code 732

or to renew the license under section 2923.125 of the Revised Code until after the suspension ends as described in this division.

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

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

(B) (1) A sheriff who issues a concealed handgun license to 763
a licensee shall revoke the license in accordance with division 764
(B) (2) of this section upon becoming aware that the licensee 765
satisfies any of the following: 766

(a) The licensee is under twenty-one years of age. 767

(b) Subject to division (C) of this section, at the time 768
of the issuance of the license, the licensee did not satisfy the 769
eligibility requirements of division (D) (1) (c), (d), (e), (f), 770
(g), or (h) of section 2923.125 of the Revised Code. 771

(c) Subject to division (C) of this section, on or after 772
the date on which the license was issued, the licensee is 773
convicted of or pleads guilty to a violation of section 2923.15 774
of the Revised Code or an offense described in division (D) (1) 775
(e), (f), (g), or (h) of section 2923.125 of the Revised Code. 776

(d) On or after the date on which the license was issued, 777
the licensee becomes subject to a civil protection order or to a 778
protection order issued by a court of another state that is 779
substantially equivalent to a civil protection order. 780

(e) The licensee knowingly carries a concealed handgun 781
into a place that the licensee knows is an unauthorized place 782
specified in division (B) of section 2923.126 of the Revised 783
Code. 784

(f) On or after the date on which the license was issued, 785
the licensee is adjudicated as a mental defective or is 786
committed to a mental institution. 787

(g) At the time of the issuance of the license, the 788
licensee did not meet the residency requirements described in 789
division (D) (1) of section 2923.125 of the Revised Code and 790
currently does not meet the residency requirements described in 791

that division. 792

(h) Regarding a license issued under section 2923.125 of 793
the Revised Code, the competency certificate the licensee 794
submitted was forged or otherwise was fraudulent. 795

(2) Upon becoming aware of any circumstance listed in 796
division (B) (1) of this section that applies to a particular 797
licensee who was issued a concealed handgun license, subject to 798
division (C) of this section, the sheriff who issued the license 799
to the licensee shall notify the licensee, by certified mail, 800
return receipt requested, at the licensee's last known residence 801
address that the license is subject to revocation and that the 802
licensee may come to the sheriff's office and contest the 803
sheriff's proposed revocation within fourteen days of the date 804
on which the notice was mailed. After the fourteen-day period 805
and after consideration of any information that the licensee 806
provides during that period, if the sheriff determines on the 807
basis of the information of which the sheriff is aware that the 808
licensee is described in division (B) (1) of this section and no 809
longer satisfies the requirements described in division (D) (1) 810
of section 2923.125 of the Revised Code that are applicable to 811
the licensee's type of license, the sheriff shall revoke the 812
license, notify the licensee of that fact, and require the 813
licensee to surrender the license. Upon revoking the license, 814
the sheriff also shall comply with division (H) of section 815
2923.125 of the Revised Code. 816

(C) If a sheriff who issues a concealed handgun license to 817
a licensee becomes aware that at the time of the issuance of the 818
license the licensee had been convicted of or pleaded guilty to 819
an offense identified in division (D) (1) (e), (f), or (h) of 820
section 2923.125 of the Revised Code or had been adjudicated a 821

delinquent child for committing an act or violation identified 822
in any of those divisions or becomes aware that on or after the 823
date on which the license was issued the licensee has been 824
convicted of or pleaded guilty to an offense identified in 825
division (A) (2) (a) or (B) (1) (c) of this section, the sheriff 826
shall not consider that conviction, guilty plea, or adjudication 827
as having occurred for purposes of divisions (A) (2), (A) (3), (B) 828
(1), and (B) (2) of this section if a court has ordered the 829
sealing or expungement of the records of that conviction, guilty 830
plea, or adjudication pursuant to sections 2151.355 to 2151.358 831
or sections 2953.31 to 2953.36 of the Revised Code or the 832
licensee has been relieved under operation of law or legal 833
process from the disability imposed pursuant to section 2923.13 834
of the Revised Code relative to that conviction, guilty plea, or 835
adjudication. 836

(D) As used in this section, "motor carrier enforcement 837
unit" has the same meaning as in section 2923.16 of the Revised 838
Code. 839

Sec. 2923.16. (A) No person shall knowingly discharge a 840
firearm while in or on a motor vehicle. 841

(B) No person shall knowingly transport or have a loaded 842
firearm in a motor vehicle in such a manner that the firearm is 843
accessible to the operator or any passenger without leaving the 844
vehicle. 845

(C) No person shall knowingly transport or have a firearm 846
in a motor vehicle, unless the person may lawfully possess that 847
firearm under applicable law of this state or the United States, 848
the firearm is unloaded, and the firearm is carried in one of 849
the following ways: 850

- (1) In a closed package, box, or case; 851
- (2) In a compartment that can be reached only by leaving 852
the vehicle; 853
- (3) In plain sight and secured in a rack or holder made 854
for the purpose; 855
- (4) If the firearm is at least twenty-four inches in 856
overall length as measured from the muzzle to the part of the 857
stock furthest from the muzzle and if the barrel is at least 858
eighteen inches in length, either in plain sight with the action 859
open or the weapon stripped, or, if the firearm is of a type on 860
which the action will not stay open or which cannot easily be 861
stripped, in plain sight. 862
- (D) No person shall knowingly transport or have a loaded 863
handgun in a motor vehicle if, at the time of that 864
transportation or possession, any of the following applies: 865
- (1) The person is under the influence of alcohol, a drug 866
of abuse, or a combination of them. 867
- (2) The person's whole blood, blood serum or plasma, 868
breath, or urine contains a concentration of alcohol, a listed 869
controlled substance, or a listed metabolite of a controlled 870
substance prohibited for persons operating a vehicle, as 871
specified in division (A) of section 4511.19 of the Revised 872
Code, regardless of whether the person at the time of the 873
transportation or possession as described in this division is 874
the operator of or a passenger in the motor vehicle. 875
- (E) No person who has been issued a concealed handgun 876
license or who is an active duty member of the armed forces of 877
the United States and is carrying a valid military 878
identification card and documentation of successful completion 879

of firearms training that meets or exceeds the training 880
requirements described in division (G) (1) of section 2923.125 of 881
the Revised Code, who is the driver or an occupant of a motor 882
vehicle that is stopped as a result of a traffic stop or a stop 883
for another law enforcement purpose or is the driver or an 884
occupant of a commercial motor vehicle that is stopped by an 885
employee of the motor carrier enforcement unit for the purposes 886
defined in section 5503.34 of the Revised Code, and who is 887
transporting or has a loaded handgun in the motor vehicle or 888
commercial motor vehicle in any manner, shall do any of the 889
following: 890

(1) ~~Fail to promptly~~ Before or at the time a law 891
enforcement officer requests the person's concealed handgun 892
license or asks if the person is carrying a concealed handgun, 893
fail to do both of the following: 894

(a) Display the person's concealed handgun license or 895
military identification card and documentation of successful 896
completion of firearms training that meets or exceeds the 897
training requirements described in division (G) (1) of section 898
2923.125 of the Revised Code or orally inform any the law 899
enforcement officer who approaches the vehicle while stopped- 900
that the person has been issued a concealed handgun license or 901
is authorized to carry a concealed handgun as an active duty 902
member of the armed forces of the United States ~~and;~~ 903

(b) Disclose that the person then possesses or has a 904
loaded handgun in the motor vehicle ~~+~~. 905

(2) ~~Fail to promptly~~ Before or at the time an employee of 906
the motor carrier enforcement unit requests the person's 907
concealed handgun license or asks if the person is carrying a 908
concealed handgun, fail to do both of the following: 909

(a) Display the person's concealed handgun license or 910
military identification card and documentation of successful 911
completion of firearms training that meets or exceeds the 912
training requirements described in division (G)(1) of section 913
2923.125 of the Revised Code or orally inform the employee of 914
the unit ~~who approaches the vehicle while stopped~~ that the 915
person has been issued a concealed handgun license or is 916
authorized to carry a concealed handgun as an active duty member 917
of the armed forces of the United States~~and;~~ 918

(b) Disclose that the person then possesses or has a 919
loaded handgun in the commercial motor vehicle~~;~~ 920

(3) Knowingly fail to remain in the motor vehicle while 921
stopped or knowingly fail to keep the person's hands in plain 922
sight at any time after any law enforcement officer begins 923
approaching the person while stopped and before the law 924
enforcement officer leaves, unless the failure is pursuant to 925
and in accordance with directions given by a law enforcement 926
officer; 927

(4) Knowingly have contact with the loaded handgun by 928
touching it with the person's hands or fingers in the motor 929
vehicle at any time after the law enforcement officer begins 930
approaching and before the law enforcement officer leaves, 931
unless the person has contact with the loaded handgun pursuant 932
to and in accordance with directions given by the law 933
enforcement officer; 934

(5) Knowingly disregard or fail to comply with any lawful 935
order of any law enforcement officer given while the motor 936
vehicle is stopped, including, but not limited to, a specific 937
order to the person to keep the person's hands in plain sight. 938

(F) (1) Divisions (A), (B), (C), and (E) of this section do not apply to any of the following:	939 940
(a) An officer, agent, or employee of this or any other state or the United States, or a law enforcement officer, when authorized to carry or have loaded or accessible firearms in motor vehicles and acting within the scope of the officer's, agent's, or employee's duties;	941 942 943 944 945
(b) Any person who is employed in this state, who is authorized to carry or have loaded or accessible firearms in motor vehicles, and who is subject to and in compliance with the requirements of section 109.801 of the Revised Code, unless the appointing authority of the person has expressly specified that the exemption provided in division (F) (1) (b) of this section does not apply to the person.	946 947 948 949 950 951 952
(2) Division (A) of this section does not apply to a person if all of the following circumstances apply:	953 954
(a) The person discharges a firearm from a motor vehicle at a coyote or groundhog, the discharge is not during the deer gun hunting season as set by the chief of the division of wildlife of the department of natural resources, and the discharge at the coyote or groundhog, but for the operation of this section, is lawful.	955 956 957 958 959 960
(b) The motor vehicle from which the person discharges the firearm is on real property that is located in an unincorporated area of a township and that either is zoned for agriculture or is used for agriculture.	961 962 963 964
(c) The person owns the real property described in division (F) (2) (b) of this section, is the spouse or a child of another person who owns that real property, is a tenant of	965 966 967

another person who owns that real property, or is the spouse or 968
a child of a tenant of another person who owns that real 969
property. 970

(d) The person does not discharge the firearm in any of 971
the following manners: 972

(i) While under the influence of alcohol, a drug of abuse, 973
or alcohol and a drug of abuse; 974

(ii) In the direction of a street, highway, or other 975
public or private property used by the public for vehicular 976
traffic or parking; 977

(iii) At or into an occupied structure that is a permanent 978
or temporary habitation; 979

(iv) In the commission of any violation of law, including, 980
but not limited to, a felony that includes, as an essential 981
element, purposely or knowingly causing or attempting to cause 982
the death of or physical harm to another and that was committed 983
by discharging a firearm from a motor vehicle. 984

(3) Division (A) of this section does not apply to a 985
person if all of the following apply: 986

(a) The person possesses a valid all-purpose vehicle 987
permit issued under section 1533.103 of the Revised Code by the 988
chief of the division of wildlife. 989

(b) The person discharges a firearm at a wild quadruped or 990
game bird as defined in section 1531.01 of the Revised Code 991
during the open hunting season for the applicable wild quadruped 992
or game bird. 993

(c) The person discharges a firearm from a stationary all- 994
purpose vehicle as defined in section 1531.01 of the Revised 995

Code from private or publicly owned lands or from a motor 996
vehicle that is parked on a road that is owned or administered 997
by the division of wildlife. 998

(d) The person does not discharge the firearm in any of 999
the following manners: 1000

(i) While under the influence of alcohol, a drug of abuse, 1001
or alcohol and a drug of abuse; 1002

(ii) In the direction of a street, a highway, or other 1003
public or private property that is used by the public for 1004
vehicular traffic or parking; 1005

(iii) At or into an occupied structure that is a permanent 1006
or temporary habitation; 1007

(iv) In the commission of any violation of law, including, 1008
but not limited to, a felony that includes, as an essential 1009
element, purposely or knowingly causing or attempting to cause 1010
the death of or physical harm to another and that was committed 1011
by discharging a firearm from a motor vehicle. 1012

(4) Divisions (B) and (C) of this section do not apply to 1013
a person if all of the following circumstances apply: 1014

(a) At the time of the alleged violation of either of 1015
those divisions, the person is the operator of or a passenger in 1016
a motor vehicle. 1017

(b) The motor vehicle is on real property that is located 1018
in an unincorporated area of a township and that either is zoned 1019
for agriculture or is used for agriculture. 1020

(c) The person owns the real property described in 1021
division (D) (4) (b) of this section, is the spouse or a child of 1022
another person who owns that real property, is a tenant of 1023

another person who owns that real property, or is the spouse or 1024
a child of a tenant of another person who owns that real 1025
property. 1026

(d) The person, prior to arriving at the real property 1027
described in division (D) (4) (b) of this section, did not 1028
transport or possess a firearm in the motor vehicle in a manner 1029
prohibited by division (B) or (C) of this section while the 1030
motor vehicle was being operated on a street, highway, or other 1031
public or private property used by the public for vehicular 1032
traffic or parking. 1033

(5) Divisions (B) and (C) of this section do not apply to 1034
a person who transports or possesses a handgun in a motor 1035
vehicle if, at the time of that transportation or possession, 1036
both of the following apply: 1037

(a) The person transporting or possessing the handgun is 1038
either carrying a valid concealed handgun license or is an 1039
active duty member of the armed forces of the United States and 1040
is carrying a valid military identification card and 1041
documentation of successful completion of firearms training that 1042
meets or exceeds the training requirements described in division 1043
(G) (1) of section 2923.125 of the Revised Code. 1044

(b) The person transporting or possessing the handgun is 1045
not knowingly in a place described in division (B) of section 1046
2923.126 of the Revised Code. 1047

(6) Divisions (B) and (C) of this section do not apply to 1048
a person if all of the following apply: 1049

(a) The person possesses a valid all-purpose vehicle 1050
permit issued under section 1533.103 of the Revised Code by the 1051
chief of the division of wildlife. 1052

(b) The person is on or in an all-purpose vehicle as 1053
defined in section 1531.01 of the Revised Code or a motor 1054
vehicle during the open hunting season for a wild quadruped or 1055
game bird. 1056

(c) The person is on or in an all-purpose vehicle as 1057
defined in section 1531.01 of the Revised Code on private or 1058
publicly owned lands or on or in a motor vehicle that is parked 1059
on a road that is owned or administered by the division of 1060
wildlife. 1061

(7) Nothing in this section prohibits or restricts a 1062
person from possessing, storing, or leaving a firearm in a 1063
locked motor vehicle that is parked in the state underground 1064
parking garage at the state capitol building or in the parking 1065
garage at the Riffe center for government and the arts in 1066
Columbus, if the person's transportation and possession of the 1067
firearm in the motor vehicle while traveling to the premises or 1068
facility was not in violation of division (A), (B), (C), (D), or 1069
(E) of this section or any other provision of the Revised Code. 1070

(G) (1) The affirmative defenses authorized in divisions 1071
(D) (1) and (2) of section 2923.12 of the Revised Code are 1072
affirmative defenses to a charge under division (B) or (C) of 1073
this section that involves a firearm other than a handgun. 1074

(2) It is an affirmative defense to a charge under 1075
division (B) or (C) of this section of improperly handling 1076
firearms in a motor vehicle that the actor transported or had 1077
the firearm in the motor vehicle for any lawful purpose and 1078
while the motor vehicle was on the actor's own property, 1079
provided that this affirmative defense is not available unless 1080
the person, immediately prior to arriving at the actor's own 1081
property, did not transport or possess the firearm in a motor 1082

vehicle in a manner prohibited by division (B) or (C) of this 1083
section while the motor vehicle was being operated on a street, 1084
highway, or other public or private property used by the public 1085
for vehicular traffic. 1086

(H) (1) No person who is charged with a violation of 1087
division (B), (C), or (D) of this section shall be required to 1088
obtain a concealed handgun license as a condition for the 1089
dismissal of the charge. 1090

(2) (a) If a person is convicted of, was convicted of, 1091
pleads guilty to, or has pleaded guilty to a violation of 1092
division (E) of this section as it existed prior to September 1093
30, 2011, and if the conduct that was the basis of the violation 1094
no longer would be a violation of division (E) of this section 1095
on or after September 30, 2011, the person may file an 1096
application under section 2953.37 of the Revised Code requesting 1097
the expungement of the record of conviction. 1098

If a person is convicted of, was convicted of, pleads 1099
guilty to, or has pleaded guilty to a violation of division (B) 1100
or (C) of this section as the division existed prior to 1101
September 30, 2011, and if the conduct that was the basis of the 1102
violation no longer would be a violation of division (B) or (C) 1103
of this section on or after September 30, 2011, due to the 1104
application of division (F) (5) of this section as it exists on 1105
and after September 30, 2011, the person may file an application 1106
under section 2953.37 of the Revised Code requesting the 1107
expungement of the record of conviction. 1108

(b) The attorney general shall develop a public media 1109
advisory that summarizes the expungement procedure established 1110
under section 2953.37 of the Revised Code and the offenders 1111
identified in division (H) (2) (a) of this section who are 1112

authorized to apply for the expungement. Within thirty days 1113
after September 30, 2011, the attorney general shall provide a 1114
copy of the advisory to each daily newspaper published in this 1115
state and each television station that broadcasts in this state. 1116
The attorney general may provide the advisory in a tangible 1117
form, an electronic form, or in both tangible and electronic 1118
forms. 1119

(I) Whoever violates this section is guilty of improperly 1120
handling firearms in a motor vehicle. Violation of division (A) 1121
of this section is a felony of the fourth degree. Violation of 1122
division (C) of this section is a misdemeanor of the fourth 1123
degree. A violation of division (D) of this section is a felony 1124
of the fifth degree or, if the loaded handgun is concealed on 1125
the person's person, a felony of the fourth degree. ~~Except as~~ 1126
~~otherwise provided in this division, a violation of division (E)~~ 1127
~~(1) or (2) of this section is a misdemeanor of the first degree,~~ 1128
~~and, in addition to any other penalty or sanction imposed for~~ 1129
~~the violation, the offender's concealed handgun license shall be~~ 1130
~~suspended pursuant to division (A) (2) of section 2923.128 of the~~ 1131
~~Revised Code. If at the time of the stop of the offender for a~~ 1132
~~traffic stop, for another law enforcement purpose, or for a~~ 1133
~~purpose defined in section 5503.34 of the Revised Code that was~~ 1134
~~the basis of the violation any law enforcement officer involved~~ 1135
~~with the stop or the employee of the motor carrier enforcement~~ 1136
~~unit who made the stop had actual knowledge of the offender's~~ 1137
~~status as a licensee, a violation of division (E) (1) or (2) of~~ 1138
~~this section is a minor misdemeanor, and the offender's~~ 1139
~~concealed handgun license shall not be suspended pursuant to~~ 1140
~~division (A) (2) of section 2923.128 of the Revised Code .~~ A 1141
violation of division (E) (4) of this section is a felony of the 1142
fifth degree. A violation of division (E) (3) or (5) of this 1143

section is a misdemeanor of the first degree or, if the offender 1144
previously has been convicted of or pleaded guilty to a 1145
violation of division (E) (3) or (5) of this section, a felony of 1146
the fifth degree. In addition to any other penalty or sanction 1147
imposed for a misdemeanor violation of division (E) (3) or (5) of 1148
this section, the offender's concealed handgun license shall be 1149
suspended pursuant to division (A) (2) of section 2923.128 of the 1150
Revised Code. A violation of division (B) of this section is a 1151
felony of the fourth degree. 1152

(J) If a law enforcement officer stops a motor vehicle for 1153
a traffic stop or any other purpose, if any person in the motor 1154
vehicle surrenders a firearm to the officer, either voluntarily 1155
or pursuant to a request or demand of the officer, and if the 1156
officer does not charge the person with a violation of this 1157
section or arrest the person for any offense, the person is not 1158
otherwise prohibited by law from possessing the firearm, and the 1159
firearm is not contraband, the officer shall return the firearm 1160
to the person at the termination of the stop. If a court orders 1161
a law enforcement officer to return a firearm to a person 1162
pursuant to the requirement set forth in this division, division 1163
(B) of section 2923.163 of the Revised Code applies. 1164

(K) As used in this section: 1165

(1) "Motor vehicle," "street," and "highway" have the same 1166
meanings as in section 4511.01 of the Revised Code. 1167

(2) "Occupied structure" has the same meaning as in 1168
section 2909.01 of the Revised Code. 1169

(3) "Agriculture" has the same meaning as in section 1170
519.01 of the Revised Code. 1171

(4) "Tenant" has the same meaning as in section 1531.01 of 1172

the Revised Code. 1173

(5) (a) "Unloaded" means, with respect to a firearm other 1174
than a firearm described in division (K) (6) of this section, 1175
that no ammunition is in the firearm in question, no magazine or 1176
speed loader containing ammunition is inserted into the firearm 1177
in question, and one of the following applies: 1178

(i) There is no ammunition in a magazine or speed loader 1179
that is in the vehicle in question and that may be used with the 1180
firearm in question. 1181

(ii) Any magazine or speed loader that contains ammunition 1182
and that may be used with the firearm in question is stored in a 1183
compartment within the vehicle in question that cannot be 1184
accessed without leaving the vehicle or is stored in a container 1185
that provides complete and separate enclosure. 1186

(b) For the purposes of division (K) (5) (a) (ii) of this 1187
section, a "container that provides complete and separate 1188
enclosure" includes, but is not limited to, any of the 1189
following: 1190

(i) A package, box, or case with multiple compartments, as 1191
long as the loaded magazine or speed loader and the firearm in 1192
question either are in separate compartments within the package, 1193
box, or case, or, if they are in the same compartment, the 1194
magazine or speed loader is contained within a separate 1195
enclosure in that compartment that does not contain the firearm 1196
and that closes using a snap, button, buckle, zipper, hook and 1197
loop closing mechanism, or other fastener that must be opened to 1198
access the contents or the firearm is contained within a 1199
separate enclosure of that nature in that compartment that does 1200
not contain the magazine or speed loader; 1201

(ii) A pocket or other enclosure on the person of the 1202
person in question that closes using a snap, button, buckle, 1203
zipper, hook and loop closing mechanism, or other fastener that 1204
must be opened to access the contents. 1205

(c) For the purposes of divisions (K) (5) (a) and (b) of 1206
this section, ammunition held in stripper-clips or in en-bloc 1207
clips is not considered ammunition that is loaded into a 1208
magazine or speed loader. 1209

(6) "Unloaded" means, with respect to a firearm employing 1210
a percussion cap, flintlock, or other obsolete ignition system, 1211
when the weapon is uncapped or when the priming charge is 1212
removed from the pan. 1213

(7) "Commercial motor vehicle" has the same meaning as in 1214
division (A) of section 4506.25 of the Revised Code. 1215

(8) "Motor carrier enforcement unit" means the motor 1216
carrier enforcement unit in the department of public safety, 1217
division of state highway patrol, that is created by section 1218
5503.34 of the Revised Code. 1219

(L) Divisions (K) (5) (a) and (b) of this section do not 1220
affect the authority of a person who is carrying a valid 1221
concealed handgun license to have one or more magazines or speed 1222
loaders containing ammunition anywhere in a vehicle, without 1223
being transported as described in those divisions, as long as no 1224
ammunition is in a firearm, other than a handgun, in the vehicle 1225
other than as permitted under any other provision of this 1226
chapter. A person who is carrying a valid concealed handgun 1227
license may have one or more magazines or speed loaders 1228
containing ammunition anywhere in a vehicle without further 1229
restriction, as long as no ammunition is in a firearm, other 1230

than a handgun, in the vehicle other than as permitted under any	1231
provision of this chapter.	1232
Section 2. That existing sections 2923.12, 2923.126,	1233
2923.128, and 2923.16 of the Revised Code are hereby repealed.	1234