

As Introduced

132nd General Assembly

Regular Session

2017-2018

H. B. No. 142

Representative Wiggam

**Cosponsors: Representatives Lipps, Goodman, Kick, Merrin, Hood, Thompson,
Conditt, Keller, Vitale, Roegner, Koehler, Brinkman, Becker, Seitz, Dean**

A BILL

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

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

Section 1. That sections 2923.12, 2923.126, 2923.128, and 7
2923.16 of the Revised Code be amended to read as follows: 8

Sec. 2923.12. (A) No person shall knowingly carry or have, 9
concealed on the person's person or concealed ready at hand, any 10
of the following: 11

(1) A deadly weapon other than a handgun; 12

(2) A handgun other than a dangerous ordnance; 13

(3) A dangerous ordnance. 14

(B) No person who has been issued a concealed handgun 15
license shall do any of the following: 16

~~(1) If the person is stopped for a law enforcement purpose and is carrying a concealed handgun, fail to promptly inform any law enforcement officer who approaches the person after the person has been stopped that the person has been issued a concealed handgun license and that the person then is carrying a concealed handgun;~~

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

~~(3)~~ (2) If the person is stopped for a law enforcement purpose, if the person is carrying a concealed handgun, and if the person is approached by any law enforcement officer while stopped, knowingly remove or attempt to remove the loaded handgun from the holster, pocket, or other place in which the person is carrying it, knowingly grasp or hold the loaded handgun, or knowingly have contact with the loaded handgun by touching it with the person's hands or fingers at any time after the law enforcement officer begins approaching and before the law enforcement officer leaves, unless the person removes, attempts to remove, grasps, holds, or has contact with the loaded handgun pursuant to and in accordance with directions given by the law enforcement officer;

~~(4)~~ (3) If the person is stopped for a law enforcement purpose and is carrying a concealed handgun, knowingly disregard or fail to comply with any lawful order of any law enforcement officer given while the person is stopped, including, but not

limited to, a specific order to the person to keep the person's hands in plain sight. 47
48

(C) (1) This section does not apply to any of the following: 49
50

(a) An officer, agent, or employee of this or any other state or the United States, or to a law enforcement officer, who is authorized to carry concealed weapons or dangerous ordnance or is authorized to carry handguns and is acting within the scope of the officer's, agent's, or employee's duties; 51
52
53
54
55

(b) Any person who is employed in this state, who is authorized to carry concealed weapons or dangerous ordnance or is authorized to carry handguns, 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 (C) (1) (b) of this section does not apply to the person; 56
57
58
59
60
61
62

(c) A person's transportation or storage of a firearm, other than a firearm described in divisions (G) to (M) of section 2923.11 of the Revised Code, in a motor vehicle for any lawful purpose if the firearm is not on the actor's person; 63
64
65
66

(d) A person's storage or possession of a firearm, other than a firearm described in divisions (G) to (M) of section 2923.11 of the Revised Code, in the actor's own home for any lawful purpose. 67
68
69
70

(2) Division (A) (2) of this section does not apply to any person who, at the time of the alleged carrying or possession of a handgun, either is carrying a valid concealed handgun license or is an active duty member of the armed forces of the United States and is carrying a valid military identification card and 71
72
73
74
75

documentation of successful completion of firearms training that 76
meets or exceeds the training requirements described in division 77
(G) (1) of section 2923.125 of the Revised Code, unless the 78
person knowingly is in a place described in division (B) of 79
section 2923.126 of the Revised Code. 80

(D) It is an affirmative defense to a charge under 81
division (A) (1) of this section of carrying or having control of 82
a weapon other than a handgun and other than a dangerous 83
ordnance that the actor was not otherwise prohibited by law from 84
having the weapon and that any of the following applies: 85

(1) The weapon was carried or kept ready at hand by the 86
actor for defensive purposes while the actor was engaged in or 87
was going to or from the actor's lawful business or occupation, 88
which business or occupation was of a character or was 89
necessarily carried on in a manner or at a time or place as to 90
render the actor particularly susceptible to criminal attack, 91
such as would justify a prudent person in going armed. 92

(2) The weapon was carried or kept ready at hand by the 93
actor for defensive purposes while the actor was engaged in a 94
lawful activity and had reasonable cause to fear a criminal 95
attack upon the actor, a member of the actor's family, or the 96
actor's home, such as would justify a prudent person in going 97
armed. 98

(3) The weapon was carried or kept ready at hand by the 99
actor for any lawful purpose and while in the actor's own home. 100

(E) No person who is charged with a violation of this 101
section shall be required to obtain a concealed handgun license 102
as a condition for the dismissal of the charge. 103

(F) (1) Whoever violates this section is guilty of carrying 104

concealed weapons. Except as otherwise provided in this division 105
or divisions (F) (2), ~~(6)~~(5), and ~~(7)~~(6) of this section, 106
carrying concealed weapons in violation of division (A) of this 107
section is a misdemeanor of the first degree. Except as 108
otherwise provided in this division or divisions (F) (2), ~~(6)~~(5), 109
and ~~(7)~~(6) of this section, if the offender previously has been 110
convicted of a violation of this section or of any offense of 111
violence, if the weapon involved is a firearm that is either 112
loaded or for which the offender has ammunition ready at hand, 113
or if the weapon involved is dangerous ordnance, carrying 114
concealed weapons in violation of division (A) of this section 115
is a felony of the fourth degree. Except as otherwise provided 116
in divisions (F) (2) and ~~(6)~~(5) of this section, if the offense 117
is committed aboard an aircraft, or with purpose to carry a 118
concealed weapon aboard an aircraft, regardless of the weapon 119
involved, carrying concealed weapons in violation of division 120
(A) of this section is a felony of the third degree. 121

(2) Except as provided in division (F) ~~(6)~~(5) of this 122
section, if a person being arrested for a violation of division 123
(A) (2) of this section promptly produces a valid concealed 124
handgun license, and if at the time of the violation the person 125
was not knowingly in a place described in division (B) of 126
section 2923.126 of the Revised Code, the officer shall not 127
arrest the person for a violation of that division. If the 128
person is not able to promptly produce any concealed handgun 129
license and if the person is not in a place described in that 130
section, the officer may arrest the person for a violation of 131
that division, and the offender shall be punished as follows: 132

(a) The offender shall be guilty of a minor misdemeanor if 133
both of the following apply: 134

(i) Within ten days after the arrest, the offender 135
presents a concealed handgun license, which license was valid at 136
the time of the arrest to the law enforcement agency that 137
employs the arresting officer. 138

(ii) At the time of the arrest, the offender was not 139
knowingly in a place described in division (B) of section 140
2923.126 of the Revised Code. 141

(b) The offender shall be guilty of a misdemeanor and 142
shall be fined five hundred dollars if all of the following 143
apply: 144

(i) The offender previously had been issued a concealed 145
handgun license, and that license expired within the two years 146
immediately preceding the arrest. 147

(ii) Within forty-five days after the arrest, the offender 148
presents a concealed handgun license to the law enforcement 149
agency that employed the arresting officer, and the offender 150
waives in writing the offender's right to a speedy trial on the 151
charge of the violation that is provided in section 2945.71 of 152
the Revised Code. 153

(iii) At the time of the commission of the offense, the 154
offender was not knowingly in a place described in division (B) 155
of section 2923.126 of the Revised Code. 156

(c) If divisions (F) (2) (a) and (b) and (F) ~~(6)~~ (5) of this 157
section do not apply, the offender shall be punished under 158
division (F) (1) or ~~(7)~~ (6) of this section. 159

(3) ~~Except as otherwise provided in this division,~~ 160
~~carrying concealed weapons in violation of division (B) (1) of~~ 161
~~this section is a misdemeanor of the first degree, and, in~~ 162
~~addition to any other penalty or sanction imposed for a~~ 163

~~violation of division (B) (1) of this section, the offender's
concealed handgun license shall be suspended pursuant to
division (A) (2) of section 2923.128 of the Revised Code. If, at
the time of the stop of the offender for a law enforcement
purpose that was the basis of the violation, any law enforcement
officer involved with the stop had actual knowledge that the
offender has been issued a concealed handgun license, carrying
concealed weapons in violation of division (B) (1) of this
section is a minor misdemeanor, and the offender's concealed
handgun license shall not be suspended pursuant to division (A)
(2) of section 2923.128 of the Revised Code.~~

~~(4)~~ Carrying concealed weapons in violation of division
(B) ~~(2)~~ (1) or ~~(4)~~ (3) of this section is a misdemeanor of the
first degree or, if the offender previously has been convicted
of or pleaded guilty to a violation of division (B) ~~(2)~~ (1) or
~~(4)~~ (3) of this section, a felony of the fifth degree. In
addition to any other penalty or sanction imposed for a
misdemeanor violation of division (B) ~~(2)~~ (1) or ~~(4)~~ (3) of this
section, the offender's concealed handgun license shall be
suspended pursuant to division (A) (2) of section 2923.128 of the
Revised Code.

~~(5)~~ (4) Carrying concealed weapons in violation of
division (B) ~~(3)~~ (2) of this section is a felony of the fifth
degree.

~~(6)~~ (5) If a person being arrested for a violation of
division (A) (2) of this section is an active duty member of the
armed forces of the United States and is carrying a valid
military identification card and documentation of successful
completion of firearms training that meets or exceeds the
training requirements described in division (G) (1) of section

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

(a) Within ten days after the issuance of the citation, 209
the offender presents a valid military identification card and 210
documentation of successful completion of firearms training that 211
meets or exceeds the training requirements described in division 212
(G)(1) of section 2923.125 of the Revised Code, which were both 213
valid at the time of the issuance of the citation to the law 214
enforcement agency that employs the citing officer. 215

(b) At the time of the citation, the offender was not 216
knowingly in a place described in division (B) of section 217
2923.126 of the Revised Code. 218

~~(7)~~(6) If a person being arrested for a violation of 219
division (A)(2) of this section is knowingly in a place 220
described in division (B)(5) of section 2923.126 of the Revised 221
Code and is not authorized to carry a handgun or have a handgun 222
concealed on the person's person or concealed ready at hand 223

under that division, the penalty shall be as follows: 224

(a) Except as otherwise provided in this division, if the 225
person produces a valid concealed handgun license within ten 226
days after the arrest and has not previously been convicted or 227
pleaded guilty to a violation of division (A) (2) of this 228
section, the person is guilty of a minor misdemeanor; 229

(b) Except as otherwise provided in this division, if the 230
person has previously been convicted of or pleaded guilty to a 231
violation of division (A) (2) of this section, the person is 232
guilty of a misdemeanor of the fourth degree; 233

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

(d) Except as otherwise provided in this division, if the 238
person has previously been convicted of or pleaded guilty to 239
three or more violations of division (A) (2) of this section, or 240
convicted of or pleaded guilty to any offense of violence, if 241
the weapon involved is a firearm that is either loaded or for 242
which the offender has ammunition ready at hand, or if the 243
weapon involved is a dangerous ordnance, the person is guilty of 244
a misdemeanor of the second degree. 245

(G) If a law enforcement officer stops a person to 246
question the person regarding a possible violation of this 247
section, for a traffic stop, or for any other law enforcement 248
purpose, if the person surrenders a firearm to the officer, 249
either voluntarily or pursuant to a request or demand of the 250
officer, and if the officer does not charge the person with a 251
violation of this section or arrest the person for any offense, 252

the person is not otherwise prohibited by law from possessing 253
the firearm, and the firearm is not contraband, the officer 254
shall return the firearm to the person at the termination of the 255
stop. If a court orders a law enforcement officer to return a 256
firearm to a person pursuant to the requirement set forth in 257
this division, division (B) of section 2923.163 of the Revised 258
Code applies. 259

Sec. 2923.126. (A) A concealed handgun license that is 260
issued under section 2923.125 of the Revised Code shall expire 261
five years after the date of issuance. A licensee who has been 262
issued a license under that section shall be granted a grace 263
period of thirty days after the licensee's license expires 264
during which the licensee's license remains valid. Except as 265
provided in divisions (B) and (C) of this section, a licensee 266
who has been issued a concealed handgun license under section 267
2923.125 or 2923.1213 of the Revised Code may carry a concealed 268
handgun anywhere in this state if the licensee also carries a 269
valid license and valid identification when the licensee is in 270
actual possession of a concealed handgun. The licensee shall 271
give notice of any change in the licensee's residence address to 272
the sheriff who issued the license within forty-five days after 273
that change. 274

If a licensee is the driver or an occupant of a motor 275
vehicle that is stopped as the result of a traffic stop or a 276
stop for another law enforcement purpose and if the licensee is 277
transporting or has a loaded handgun in the motor vehicle at 278
that time, ~~the licensee shall promptly inform any law~~ 279
~~enforcement officer who approaches the vehicle while stopped~~ 280
~~that the licensee has been issued a concealed handgun license~~ 281
~~and that the licensee currently possesses or has a loaded~~ 282
~~handgun;~~ the licensee shall not knowingly disregard or fail to 283

comply with lawful orders of a law enforcement officer given 284
while the motor vehicle is stopped, knowingly fail to remain in 285
the motor vehicle while stopped, or knowingly fail to keep the 286
licensee's hands in plain sight after any law enforcement 287
officer begins approaching the licensee while stopped and before 288
the officer leaves, unless directed otherwise by a law 289
enforcement officer; and the licensee shall not knowingly have 290
contact with the loaded handgun by touching it with the 291
licensee's hands or fingers, in any manner in violation of 292
division (E) of section 2923.16 of the Revised Code, after any 293
law enforcement officer begins approaching the licensee while 294
stopped and before the officer leaves. ~~Additionally, if a~~ 295
~~licensee is the driver or an occupant of a commercial motor~~ 296
~~vehicle that is stopped by an employee of the motor carrier~~ 297
~~enforcement unit for the purposes defined in section 5503.34 of~~ 298
~~the Revised Code and if the licensee is transporting or has a~~ 299
~~loaded handgun in the commercial motor vehicle at that time, the~~ 300
~~licensee shall promptly inform the employee of the unit who~~ 301
~~approaches the vehicle while stopped that the licensee has been~~ 302
~~issued a concealed handgun license and that the licensee~~ 303
~~currently possesses or has a loaded handgun.~~ 304

If a licensee is stopped for a law enforcement purpose and 305
if the licensee is carrying a concealed handgun at the time the 306
officer approaches, ~~the licensee shall promptly inform any law~~ 307
~~enforcement officer who approaches the licensee while stopped~~ 308
~~that the licensee has been issued a concealed handgun license~~ 309
~~and that the licensee currently is carrying a concealed handgun;~~ 310
the licensee shall not knowingly disregard or fail to comply 311
with lawful orders of a law enforcement officer given while the 312
licensee is stopped or knowingly fail to keep the licensee's 313
hands in plain sight after any law enforcement officer begins 314

approaching the licensee while stopped and before the officer 315
leaves, unless directed otherwise by a law enforcement officer; 316
and the licensee shall not knowingly remove, attempt to remove, 317
grasp, or hold the loaded handgun or knowingly have contact with 318
the loaded handgun by touching it with the licensee's hands or 319
fingers, in any manner in violation of division (B) of section 320
2923.12 of the Revised Code, after any law enforcement officer 321
begins approaching the licensee while stopped and before the 322
officer leaves. 323

(B) A valid concealed handgun license does not authorize 324
the licensee to carry a concealed handgun in any manner 325
prohibited under division (B) of section 2923.12 of the Revised 326
Code or in any manner prohibited under section 2923.16 of the 327
Revised Code. A valid license does not authorize the licensee to 328
carry a concealed handgun into any of the following places: 329

(1) A police station, sheriff's office, or state highway 330
patrol station, premises controlled by the bureau of criminal 331
identification and investigation; a state correctional 332
institution, jail, workhouse, or other detention facility; any 333
area of an airport passenger terminal that is beyond a passenger 334
or property screening checkpoint or to which access is 335
restricted through security measures by the airport authority or 336
a public agency; or an institution that is maintained, operated, 337
managed, and governed pursuant to division (A) of section 338
5119.14 of the Revised Code or division (A) (1) of section 339
5123.03 of the Revised Code; 340

(2) A school safety zone if the licensee's carrying the 341
concealed handgun is in violation of section 2923.122 of the 342
Revised Code; 343

(3) A courthouse or another building or structure in which 344

a courtroom is located, in violation of section 2923.123 of the Revised Code; 345
346

(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; 347
348
349
350

(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 handgun pursuant to a written policy, rule, or other authorization that is adopted by the institution's board of trustees or other governing body and that authorizes specific individuals or classes of individuals to carry a concealed handgun on the premises; 351
352
353
354
355
356
357
358
359
360

(6) Any church, synagogue, mosque, or other place of worship, unless the church, synagogue, mosque, or other place of worship posts or permits otherwise; 361
362
363

(7) Any building that is a government facility of this state or a political subdivision of this state and that is not a building that is used primarily as a shelter, restroom, parking facility for motor vehicles, or rest facility and is not a courthouse or other building or structure in which a courtroom is located that is subject to division (B)(3) of this section, unless the governing body with authority over the building has enacted a statute, ordinance, or policy that permits a licensee to carry a concealed handgun into the building; 364
365
366
367
368
369
370
371
372

(8) A place in which federal law prohibits the carrying of 373

handguns. 374

(C) (1) Nothing in this section shall negate or restrict a 375
rule, policy, or practice of a private employer that is not a 376
private college, university, or other institution of higher 377
education concerning or prohibiting the presence of firearms on 378
the private employer's premises or property, including motor 379
vehicles owned by the private employer. Nothing in this section 380
shall require a private employer of that nature to adopt a rule, 381
policy, or practice concerning or prohibiting the presence of 382
firearms on the private employer's premises or property, 383
including motor vehicles owned by the private employer. 384

(2) (a) A private employer shall be immune from liability 385
in a civil action for any injury, death, or loss to person or 386
property that allegedly was caused by or related to a licensee 387
bringing a handgun onto the premises or property of the private 388
employer, including motor vehicles owned by the private 389
employer, unless the private employer acted with malicious 390
purpose. A private employer is immune from liability in a civil 391
action for any injury, death, or loss to person or property that 392
allegedly was caused by or related to the private employer's 393
decision to permit a licensee to bring, or prohibit a licensee 394
from bringing, a handgun onto the premises or property of the 395
private employer. 396

(b) A political subdivision shall be immune from liability 397
in a civil action, to the extent and in the manner provided in 398
Chapter 2744. of the Revised Code, for any injury, death, or 399
loss to person or property that allegedly was caused by or 400
related to a licensee bringing a handgun onto any premises or 401
property owned, leased, or otherwise under the control of the 402
political subdivision. As used in this division, "political 403

subdivision" has the same meaning as in section 2744.01 of the Revised Code.

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

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

ordinance, or resolution of a political subdivision of this 435
state, and instead is subject only to a civil cause of action 436
for trespass based on the violation. 437

If a person knowingly violates a posted prohibition of the 438
nature described in this division and the posted land or 439
premises is a child day-care center, type A family day-care 440
home, or type B family day-care home, unless the person is a 441
licensee who resides in a type A family day-care home or type B 442
family day-care home, the person is guilty of aggravated 443
trespass in violation of section 2911.211 of the Revised Code. 444
Except as otherwise provided in this division, the offender is 445
guilty of a misdemeanor of the first degree. If the person 446
previously has been convicted of a violation of this division or 447
of any offense of violence, if the weapon involved is a firearm 448
that is either loaded or for which the offender has ammunition 449
ready at hand, or if the weapon involved is dangerous ordnance, 450
the offender is guilty of a felony of the fourth degree. 451

(b) A landlord may not prohibit or restrict a tenant who 452
is a licensee and who on or after September 9, 2008, enters into 453
a rental agreement with the landlord for the use of residential 454
premises, and the tenant's guest while the tenant is present, 455
from lawfully carrying or possessing a handgun on those 456
residential premises. 457

(c) As used in division (C) (3) of this section: 458

(i) "Residential premises" has the same meaning as in 459
section 5321.01 of the Revised Code, except "residential 460
premises" does not include a dwelling unit that is owned or 461
operated by a college or university. 462

(ii) "Landlord," "tenant," and "rental agreement" have the 463

same meanings as in section 5321.01 of the Revised Code. 464

(D) A person who holds a valid concealed handgun license 465
issued by another state that is recognized by the attorney 466
general pursuant to a reciprocity agreement entered into 467
pursuant to section 109.69 of the Revised Code or a person who 468
holds a valid concealed handgun license under the circumstances 469
described in division (B) of section 109.69 of the Revised Code 470
has the same right to carry a concealed handgun in this state as 471
a person who was issued a concealed handgun license under 472
section 2923.125 of the Revised Code and is subject to the same 473
restrictions that apply to a person who carries a license issued 474
under that section. 475

(E) (1) A peace officer has the same right to carry a 476
concealed handgun in this state as a person who was issued a 477
concealed handgun license under section 2923.125 of the Revised 478
Code. For purposes of reciprocity with other states, a peace 479
officer shall be considered to be a licensee in this state. 480

(2) An active duty member of the armed forces of the 481
United States who is carrying a valid military identification 482
card and documentation of successful completion of firearms 483
training that meets or exceeds the training requirements 484
described in division (G) (1) of section 2923.125 of the Revised 485
Code has the same right to carry a concealed handgun in this 486
state as a person who was issued a concealed handgun license 487
under section 2923.125 of the Revised Code and is subject to the 488
same restrictions as specified in this section. 489

(F) (1) A qualified retired peace officer who possesses a 490
retired peace officer identification card issued pursuant to 491
division (F) (2) of this section and a valid firearms 492
requalification certification issued pursuant to division (F) (3) 493

of this section has the same right to carry a concealed handgun 494
in this state as a person who was issued a concealed handgun 495
license under section 2923.125 of the Revised Code and is 496
subject to the same restrictions that apply to a person who 497
carries a license issued under that section. For purposes of 498
reciprocity with other states, a qualified retired peace officer 499
who possesses a retired peace officer identification card issued 500
pursuant to division (F)(2) of this section and a valid firearms 501
requalification certification issued pursuant to division (F)(3) 502
of this section shall be considered to be a licensee in this 503
state. 504

(2) (a) Each public agency of this state or of a political 505
subdivision of this state that is served by one or more peace 506
officers shall issue a retired peace officer identification card 507
to any person who retired from service as a peace officer with 508
that agency, if the issuance is in accordance with the agency's 509
policies and procedures and if the person, with respect to the 510
person's service with that agency, satisfies all of the 511
following: 512

(i) The person retired in good standing from service as a 513
peace officer with the public agency, and the retirement was not 514
for reasons of mental instability. 515

(ii) Before retiring from service as a peace officer with 516
that agency, the person was authorized to engage in or supervise 517
the prevention, detection, investigation, or prosecution of, or 518
the incarceration of any person for, any violation of law and 519
the person had statutory powers of arrest. 520

(iii) At the time of the person's retirement as a peace 521
officer with that agency, the person was trained and qualified 522
to carry firearms in the performance of the peace officer's 523

duties. 524

(iv) Before retiring from service as a peace officer with 525
that agency, the person was regularly employed as a peace 526
officer for an aggregate of fifteen years or more, or, in the 527
alternative, the person retired from service as a peace officer 528
with that agency, after completing any applicable probationary 529
period of that service, due to a service-connected disability, 530
as determined by the agency. 531

(b) A retired peace officer identification card issued to 532
a person under division (F) (2) (a) of this section shall identify 533
the person by name, contain a photograph of the person, identify 534
the public agency of this state or of the political subdivision 535
of this state from which the person retired as a peace officer 536
and that is issuing the identification card, and specify that 537
the person retired in good standing from service as a peace 538
officer with the issuing public agency and satisfies the 539
criteria set forth in divisions (F) (2) (a) (i) to (iv) of this 540
section. In addition to the required content specified in this 541
division, a retired peace officer identification card issued to 542
a person under division (F) (2) (a) of this section may include 543
the firearms requalification certification described in division 544
(F) (3) of this section, and if the identification card includes 545
that certification, the identification card shall serve as the 546
firearms requalification certification for the retired peace 547
officer. If the issuing public agency issues credentials to 548
active law enforcement officers who serve the agency, the agency 549
may comply with division (F) (2) (a) of this section by issuing 550
the same credentials to persons who retired from service as a 551
peace officer with the agency and who satisfy the criteria set 552
forth in divisions (F) (2) (a) (i) to (iv) of this section, 553
provided that the credentials so issued to retired peace 554

officers are stamped with the word "RETIRED." 555

(c) A public agency of this state or of a political 556
subdivision of this state may charge persons who retired from 557
service as a peace officer with the agency a reasonable fee for 558
issuing to the person a retired peace officer identification 559
card pursuant to division (F) (2) (a) of this section. 560

(3) If a person retired from service as a peace officer 561
with a public agency of this state or of a political subdivision 562
of this state and the person satisfies the criteria set forth in 563
divisions (F) (2) (a) (i) to (iv) of this section, the public 564
agency may provide the retired peace officer with the 565
opportunity to attend a firearms requalification program that is 566
approved for purposes of firearms requalification required under 567
section 109.801 of the Revised Code. The retired peace officer 568
may be required to pay the cost of the course. 569

If a retired peace officer who satisfies the criteria set 570
forth in divisions (F) (2) (a) (i) to (iv) of this section attends 571
a firearms requalification program that is approved for purposes 572
of firearms requalification required under section 109.801 of 573
the Revised Code, the retired peace officer's successful 574
completion of the firearms requalification program requalifies 575
the retired peace officer for purposes of division (F) of this 576
section for five years from the date on which the program was 577
successfully completed, and the requalification is valid during 578
that five-year period. If a retired peace officer who satisfies 579
the criteria set forth in divisions (F) (2) (a) (i) to (iv) of this 580
section satisfactorily completes such a firearms requalification 581
program, the retired peace officer shall be issued a firearms 582
requalification certification that identifies the retired peace 583
officer by name, identifies the entity that taught the program, 584

specifies that the retired peace officer successfully completed 585
the program, specifies the date on which the course was 586
successfully completed, and specifies that the requalification 587
is valid for five years from that date of successful completion. 588
The firearms requalification certification for a retired peace 589
officer may be included in the retired peace officer 590
identification card issued to the retired peace officer under 591
division (F) (2) of this section. 592

A retired peace officer who attends a firearms 593
requalification program that is approved for purposes of 594
firearms requalification required under section 109.801 of the 595
Revised Code may be required to pay the cost of the program. 596

(G) As used in this section: 597

(1) "Qualified retired peace officer" means a person who 598
satisfies all of the following: 599

(a) The person satisfies the criteria set forth in 600
divisions (F) (2) (a) (i) to (v) of this section. 601

(b) The person is not under the influence of alcohol or 602
another intoxicating or hallucinatory drug or substance. 603

(c) The person is not prohibited by federal law from 604
receiving firearms. 605

(2) "Retired peace officer identification card" means an 606
identification card that is issued pursuant to division (F) (2) 607
of this section to a person who is a retired peace officer. 608

(3) "Government facility of this state or a political 609
subdivision of this state" means any of the following: 610

(a) A building or part of a building that is owned or 611
leased by the government of this state or a political 612

subdivision of this state and where employees of the government 613
of this state or the political subdivision regularly are present 614
for the purpose of performing their official duties as employees 615
of the state or political subdivision; 616

(b) The office of a deputy registrar serving pursuant to 617
Chapter 4503. of the Revised Code that is used to perform deputy 618
registrar functions. 619

(4) "Governing body" has the same meaning as in section 620
154.01 of the Revised Code. 621

Sec. 2923.128. (A) (1) (a) If a licensee holding a valid 622
concealed handgun license is arrested for or otherwise charged 623
with an offense described in division (D) (1) (d) of section 624
2923.125 of the Revised Code or with a violation of section 625
2923.15 of the Revised Code or becomes subject to a temporary 626
protection order or to a protection order issued by a court of 627
another state that is substantially equivalent to a temporary 628
protection order, the sheriff who issued the license shall 629
suspend it and shall comply with division (A) (3) of this section 630
upon becoming aware of the arrest, charge, or protection order. 631
Upon suspending the license, the sheriff also shall comply with 632
division (H) of section 2923.125 of the Revised Code. 633

(b) A suspension under division (A) (1) (a) of this section 634
shall be considered as beginning on the date that the licensee 635
is arrested for or otherwise charged with an offense described 636
in that division or on the date the appropriate court issued the 637
protection order described in that division, irrespective of 638
when the sheriff notifies the licensee under division (A) (3) of 639
this section. The suspension shall end on the date on which the 640
charges are dismissed or the licensee is found not guilty of the 641
offense described in division (A) (1) (a) of this section or, 642

subject to division (B) of this section, on the date the 643
appropriate court terminates the protection order described in 644
that division. If the suspension so ends, the sheriff shall 645
return the license or temporary emergency license to the 646
licensee. 647

(2) (a) If a licensee holding a valid concealed handgun 648
license is convicted of or pleads guilty to a misdemeanor 649
violation of division (B) (1), ~~(2)~~, or ~~(4)~~ (3) of section 2923.12 650
of the Revised Code or of division (E) (1), ~~(2)~~, or (3), ~~or (5)~~ 651
of section 2923.16 of the Revised Code, ~~except as provided in~~ 652
~~division (A) (2) (c) of this section and~~ subject to division (C) 653
of this section, the sheriff who issued the license shall 654
suspend it and shall comply with division (A) (3) of this section 655
upon becoming aware of the conviction or guilty plea. Upon 656
suspending the license, the sheriff also shall comply with 657
division (H) of section 2923.125 of the Revised Code. 658

(b) A suspension under division (A) (2) (a) of this section 659
shall be considered as beginning on the date that the licensee 660
is convicted of or pleads guilty to the offense described in 661
that division, irrespective of when the sheriff notifies the 662
licensee under division (A) (3) of this section. If the 663
suspension is imposed for a misdemeanor violation of division 664
(B) (1) ~~or (2)~~ of section 2923.12 of the Revised Code or of 665
division (E) (1), ~~(2)~~, ~~or (3)~~ of section 2923.16 of the Revised 666
Code, it shall end on the date that is one year after the date 667
that the licensee is convicted of or pleads guilty to that 668
violation. If the suspension is imposed for a misdemeanor 669
violation of division (B) ~~(4)~~ (3) of section 2923.12 of the 670
Revised Code or of division (E) ~~(5)~~ (3) of section 2923.16 of the 671
Revised Code, it shall end on the date that is two years after 672
the date that the licensee is convicted of or pleads guilty to 673

that violation. If the licensee's license was issued under 674
section 2923.125 of the Revised Code and the license remains 675
valid after the suspension ends as described in this division, 676
when the suspension ends, the sheriff shall return the license 677
to the licensee. If the licensee's license was issued under 678
section 2923.125 of the Revised Code and the license expires 679
before the suspension ends as described in this division, or if 680
the licensee's license was issued under section 2923.1213 of the 681
Revised Code, the licensee is not eligible to apply for a new 682
license under section 2923.125 or 2923.1213 of the Revised Code 683
or to renew the license under section 2923.125 of the Revised 684
Code until after the suspension ends as described in this 685
division. 686

~~(c) The license of a licensee who is convicted of or 687
pleads guilty to a violation of division (B) (1) of section 688
2923.12 or division (E) (1) or (2) of section 2923.16 of the 689
Revised Code shall not be suspended pursuant to division (A) (2) 690
(a) of this section if, at the time of the stop of the licensee 691
for a law enforcement purpose, for a traffic stop, or for a 692
purpose defined in section 5503.34 of the Revised Code that was 693
the basis of the violation, any law enforcement officer involved 694
with the stop or the employee of the motor carrier enforcement 695
unit who made the stop had actual knowledge of the licensee's 696
status as a licensee. 697~~

(3) Upon becoming aware of an arrest, charge, or 698
protection order described in division (A) (1) (a) of this section 699
with respect to a licensee who was issued a concealed handgun 700
license, or a conviction of or plea of guilty to a misdemeanor 701
offense described in division (A) (2) (a) of this section with 702
respect to a licensee who was issued a concealed handgun license 703
and with respect to which division (A) (2) (c) of this section 704

~~does not apply~~, subject to division (C) of this section, the
sheriff who issued the licensee's license shall notify the
licensee, by certified mail, return receipt requested, at the
licensee's last known residence address that the license has
been suspended and that the licensee is required to surrender
the license at the sheriff's office within ten days of the date
on which the notice was mailed. If the suspension is pursuant to
division (A) (2) of this section, the notice shall identify the
date on which the suspension ends.

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

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

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

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

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

(e) The licensee knowingly carries a concealed handgun
into a place that the licensee knows is an unauthorized place

specified in division (B) of section 2923.126 of the Revised Code. 734
735

(f) On or after the date on which the license was issued, 736
the licensee is adjudicated as a mental defective or is 737
committed to a mental institution. 738

(g) At the time of the issuance of the license, the 739
licensee did not meet the residency requirements described in 740
division (D)(1) of section 2923.125 of the Revised Code and 741
currently does not meet the residency requirements described in 742
that division. 743

(h) Regarding a license issued under section 2923.125 of 744
the Revised Code, the competency certificate the licensee 745
submitted was forged or otherwise was fraudulent. 746

(2) Upon becoming aware of any circumstance listed in 747
division (B)(1) of this section that applies to a particular 748
licensee who was issued a concealed handgun license, subject to 749
division (C) of this section, the sheriff who issued the license 750
to the licensee shall notify the licensee, by certified mail, 751
return receipt requested, at the licensee's last known residence 752
address that the license is subject to revocation and that the 753
licensee may come to the sheriff's office and contest the 754
sheriff's proposed revocation within fourteen days of the date 755
on which the notice was mailed. After the fourteen-day period 756
and after consideration of any information that the licensee 757
provides during that period, if the sheriff determines on the 758
basis of the information of which the sheriff is aware that the 759
licensee is described in division (B)(1) of this section and no 760
longer satisfies the requirements described in division (D)(1) 761
of section 2923.125 of the Revised Code that are applicable to 762
the licensee's type of license, the sheriff shall revoke the 763

license, notify the licensee of that fact, and require the 764
licensee to surrender the license. Upon revoking the license, 765
the sheriff also shall comply with division (H) of section 766
2923.125 of the Revised Code. 767

(C) If a sheriff who issues a concealed handgun license to 768
a licensee becomes aware that at the time of the issuance of the 769
license the licensee had been convicted of or pleaded guilty to 770
an offense identified in division (D) (1) (e), (f), or (h) of 771
section 2923.125 of the Revised Code or had been adjudicated a 772
delinquent child for committing an act or violation identified 773
in any of those divisions or becomes aware that on or after the 774
date on which the license was issued the licensee has been 775
convicted of or pleaded guilty to an offense identified in 776
division (A) (2) (a) or (B) (1) (c) of this section, the sheriff 777
shall not consider that conviction, guilty plea, or adjudication 778
as having occurred for purposes of divisions (A) (2), (A) (3), (B) 779
(1), and (B) (2) of this section if a court has ordered the 780
sealing or expungement of the records of that conviction, guilty 781
plea, or adjudication pursuant to sections 2151.355 to 2151.358 782
or sections 2953.31 to 2953.36 of the Revised Code or the 783
licensee has been relieved under operation of law or legal 784
process from the disability imposed pursuant to section 2923.13 785
of the Revised Code relative to that conviction, guilty plea, or 786
adjudication. 787

(D) As used in this section, "motor carrier enforcement 788
unit" has the same meaning as in section 2923.16 of the Revised 789
Code. 790

Sec. 2923.16. (A) No person shall knowingly discharge a 791
firearm while in or on a motor vehicle. 792

(B) No person shall knowingly transport or have a loaded 793

firearm in a motor vehicle in such a manner that the firearm is 794
accessible to the operator or any passenger without leaving the 795
vehicle. 796

(C) No person shall knowingly transport or have a firearm 797
in a motor vehicle, unless the person may lawfully possess that 798
firearm under applicable law of this state or the United States, 799
the firearm is unloaded, and the firearm is carried in one of 800
the following ways: 801

(1) In a closed package, box, or case; 802

(2) In a compartment that can be reached only by leaving 803
the vehicle; 804

(3) In plain sight and secured in a rack or holder made 805
for the purpose; 806

(4) If the firearm is at least twenty-four inches in 807
overall length as measured from the muzzle to the part of the 808
stock furthest from the muzzle and if the barrel is at least 809
eighteen inches in length, either in plain sight with the action 810
open or the weapon stripped, or, if the firearm is of a type on 811
which the action will not stay open or which cannot easily be 812
stripped, in plain sight. 813

(D) No person shall knowingly transport or have a loaded 814
handgun in a motor vehicle if, at the time of that 815
transportation or possession, any of the following applies: 816

(1) The person is under the influence of alcohol, a drug 817
of abuse, or a combination of them. 818

(2) The person's whole blood, blood serum or plasma, 819
breath, or urine contains a concentration of alcohol, a listed 820
controlled substance, or a listed metabolite of a controlled 821

substance prohibited for persons operating a vehicle, as 822
specified in division (A) of section 4511.19 of the Revised 823
Code, regardless of whether the person at the time of the 824
transportation or possession as described in this division is 825
the operator of or a passenger in the motor vehicle. 826

(E) No person who has been issued a concealed handgun 827
license or who is an active duty member of the armed forces of 828
the United States and is carrying a valid military 829
identification card and documentation of successful completion 830
of firearms training that meets or exceeds the training 831
requirements described in division (G) (1) of section 2923.125 of 832
the Revised Code, who is the driver or an occupant of a motor 833
vehicle that is stopped as a result of a traffic stop or a stop 834
for another law enforcement purpose or is the driver or an 835
occupant of a commercial motor vehicle that is stopped by an 836
employee of the motor carrier enforcement unit for the purposes 837
defined in section 5503.34 of the Revised Code, and who is 838
transporting or has a loaded handgun in the motor vehicle or 839
commercial motor vehicle in any manner, shall do any of the 840
following: 841

~~(1) Fail to promptly inform any law enforcement officer 842
who approaches the vehicle while stopped that the person has 843
been issued a concealed handgun license or is authorized to 844
carry a concealed handgun as an active duty member of the armed 845
forces of the United States and that the person then possesses 846
or has a loaded handgun in the motor vehicle; 847~~

~~(2) Fail to promptly inform the employee of the unit who 848
approaches the vehicle while stopped that the person has been 849
issued a concealed handgun license or is authorized to carry a 850
concealed handgun as an active duty member of the armed forces 851~~

~~of the United States and that the person then possesses or has a
loaded handgun in the commercial motor vehicle;~~ 852
853

~~(3)~~ Knowingly fail to remain in the motor vehicle while 854
stopped or knowingly fail to keep the person's hands in plain 855
sight at any time after any law enforcement officer begins 856
approaching the person while stopped and before the law 857
enforcement officer leaves, unless the failure is pursuant to 858
and in accordance with directions given by a law enforcement 859
officer; 860

~~(4)~~ (2) Knowingly have contact with the loaded handgun by 861
touching it with the person's hands or fingers in the motor 862
vehicle at any time after the law enforcement officer begins 863
approaching and before the law enforcement officer leaves, 864
unless the person has contact with the loaded handgun pursuant 865
to and in accordance with directions given by the law 866
enforcement officer; 867

~~(5)~~ (3) Knowingly disregard or fail to comply with any 868
lawful order of any law enforcement officer given while the 869
motor vehicle is stopped, including, but not limited to, a 870
specific order to the person to keep the person's hands in plain 871
sight. 872

(F) (1) Divisions (A), (B), (C), and (E) of this section do 873
not apply to any of the following: 874

(a) An officer, agent, or employee of this or any other 875
state or the United States, or a law enforcement officer, when 876
authorized to carry or have loaded or accessible firearms in 877
motor vehicles and acting within the scope of the officer's, 878
agent's, or employee's duties; 879

(b) Any person who is employed in this state, who is 880

authorized to carry or have loaded or accessible firearms in 881
motor vehicles, and who is subject to and in compliance with the 882
requirements of section 109.801 of the Revised Code, unless the 883
appointing authority of the person has expressly specified that 884
the exemption provided in division (F) (1) (b) of this section 885
does not apply to the person. 886

(2) Division (A) of this section does not apply to a 887
person if all of the following circumstances apply: 888

(a) The person discharges a firearm from a motor vehicle 889
at a coyote or groundhog, the discharge is not during the deer 890
gun hunting season as set by the chief of the division of 891
wildlife of the department of natural resources, and the 892
discharge at the coyote or groundhog, but for the operation of 893
this section, is lawful. 894

(b) The motor vehicle from which the person discharges the 895
firearm is on real property that is located in an unincorporated 896
area of a township and that either is zoned for agriculture or 897
is used for agriculture. 898

(c) The person owns the real property described in 899
division (F) (2) (b) of this section, is the spouse or a child of 900
another person who owns that real property, is a tenant of 901
another person who owns that real property, or is the spouse or 902
a child of a tenant of another person who owns that real 903
property. 904

(d) The person does not discharge the firearm in any of 905
the following manners: 906

(i) While under the influence of alcohol, a drug of abuse, 907
or alcohol and a drug of abuse; 908

(ii) In the direction of a street, highway, or other 909

public or private property used by the public for vehicular 910
traffic or parking; 911

(iii) At or into an occupied structure that is a permanent 912
or temporary habitation; 913

(iv) In the commission of any violation of law, including, 914
but not limited to, a felony that includes, as an essential 915
element, purposely or knowingly causing or attempting to cause 916
the death of or physical harm to another and that was committed 917
by discharging a firearm from a motor vehicle. 918

(3) Division (A) of this section does not apply to a 919
person if all of the following apply: 920

(a) The person possesses a valid electric-powered all- 921
purpose vehicle permit issued under section 1533.103 of the 922
Revised Code by the chief of the division of wildlife. 923

(b) The person discharges a firearm at a wild quadruped or 924
game bird as defined in section 1531.01 of the Revised Code 925
during the open hunting season for the applicable wild quadruped 926
or game bird. 927

(c) The person discharges a firearm from a stationary 928
electric-powered all-purpose vehicle as defined in section 929
1531.01 of the Revised Code or a motor vehicle that is parked on 930
a road that is owned or administered by the division of 931
wildlife, provided that the road is identified by an electric- 932
powered all-purpose vehicle sign. 933

(d) The person does not discharge the firearm in any of 934
the following manners: 935

(i) While under the influence of alcohol, a drug of abuse, 936
or alcohol and a drug of abuse; 937

(ii) In the direction of a street, a highway, or other	938
public or private property that is used by the public for	939
vehicular traffic or parking;	940
(iii) At or into an occupied structure that is a permanent	941
or temporary habitation;	942
(iv) In the commission of any violation of law, including,	943
but not limited to, a felony that includes, as an essential	944
element, purposely or knowingly causing or attempting to cause	945
the death of or physical harm to another and that was committed	946
by discharging a firearm from a motor vehicle.	947
(4) Divisions (B) and (C) of this section do not apply to	948
a person if all of the following circumstances apply:	949
(a) At the time of the alleged violation of either of	950
those divisions, the person is the operator of or a passenger in	951
a motor vehicle.	952
(b) The motor vehicle is on real property that is located	953
in an unincorporated area of a township and that either is zoned	954
for agriculture or is used for agriculture.	955
(c) The person owns the real property described in	956
division (D) (4) (b) of this section, is the spouse or a child of	957
another person who owns that real property, is a tenant of	958
another person who owns that real property, or is the spouse or	959
a child of a tenant of another person who owns that real	960
property.	961
(d) The person, prior to arriving at the real property	962
described in division (D) (4) (b) of this section, did not	963
transport or possess a firearm in the motor vehicle in a manner	964
prohibited by division (B) or (C) of this section while the	965
motor vehicle was being operated on a street, highway, or other	966

public or private property used by the public for vehicular 967
traffic or parking. 968

(5) Divisions (B) and (C) of this section do not apply to 969
a person who transports or possesses a handgun in a motor 970
vehicle if, at the time of that transportation or possession, 971
both of the following apply: 972

(a) The person transporting or possessing the handgun is 973
either carrying a valid concealed handgun license or is an 974
active duty member of the armed forces of the United States and 975
is carrying a valid military identification card and 976
documentation of successful completion of firearms training that 977
meets or exceeds the training requirements described in division 978
(G) (1) of section 2923.125 of the Revised Code. 979

(b) The person transporting or possessing the handgun is 980
not knowingly in a place described in division (B) of section 981
2923.126 of the Revised Code. 982

(6) Divisions (B) and (C) of this section do not apply to 983
a person if all of the following apply: 984

(a) The person possesses a valid electric-powered all- 985
purpose vehicle permit issued under section 1533.103 of the 986
Revised Code by the chief of the division of wildlife. 987

(b) The person is on or in an electric-powered all-purpose 988
vehicle as defined in section 1531.01 of the Revised Code or a 989
motor vehicle during the open hunting season for a wild 990
quadruped or game bird. 991

(c) The person is on or in an electric-powered all-purpose 992
vehicle as defined in section 1531.01 of the Revised Code or a 993
motor vehicle that is parked on a road that is owned or 994
administered by the division of wildlife, provided that the road 995

is identified by an electric-powered all-purpose vehicle sign. 996

(7) Nothing in this section prohibits or restricts a 997
person from possessing, storing, or leaving a firearm in a 998
locked motor vehicle that is parked in the state underground 999
parking garage at the state capitol building or in the parking 1000
garage at the Riffe center for government and the arts in 1001
Columbus, if the person's transportation and possession of the 1002
firearm in the motor vehicle while traveling to the premises or 1003
facility was not in violation of division (A), (B), (C), (D), or 1004
(E) of this section or any other provision of the Revised Code. 1005

(G) (1) The affirmative defenses authorized in divisions 1006
(D) (1) and (2) of section 2923.12 of the Revised Code are 1007
affirmative defenses to a charge under division (B) or (C) of 1008
this section that involves a firearm other than a handgun. 1009

(2) It is an affirmative defense to a charge under 1010
division (B) or (C) of this section of improperly handling 1011
firearms in a motor vehicle that the actor transported or had 1012
the firearm in the motor vehicle for any lawful purpose and 1013
while the motor vehicle was on the actor's own property, 1014
provided that this affirmative defense is not available unless 1015
the person, immediately prior to arriving at the actor's own 1016
property, did not transport or possess the firearm in a motor 1017
vehicle in a manner prohibited by division (B) or (C) of this 1018
section while the motor vehicle was being operated on a street, 1019
highway, or other public or private property used by the public 1020
for vehicular traffic. 1021

(H) (1) No person who is charged with a violation of 1022
division (B), (C), or (D) of this section shall be required to 1023
obtain a concealed handgun license as a condition for the 1024
dismissal of the charge. 1025

(2) (a) If a person is convicted of, was convicted of, 1026
pleads guilty to, or has pleaded guilty to a violation of 1027
division (E) of this section as it existed prior to September 1028
30, 2011, and if the conduct that was the basis of the violation 1029
no longer would be a violation of division (E) of this section 1030
on or after September 30, 2011, the person may file an 1031
application under section 2953.37 of the Revised Code requesting 1032
the expungement of the record of conviction. 1033

If a person is convicted of, was convicted of, pleads 1034
guilty to, or has pleaded guilty to a violation of division (B) 1035
or (C) of this section as the division existed prior to 1036
September 30, 2011, and if the conduct that was the basis of the 1037
violation no longer would be a violation of division (B) or (C) 1038
of this section on or after September 30, 2011, due to the 1039
application of division (F) (5) of this section as it exists on 1040
and after September 30, 2011, the person may file an application 1041
under section 2953.37 of the Revised Code requesting the 1042
expungement of the record of conviction. 1043

(b) The attorney general shall develop a public media 1044
advisory that summarizes the expungement procedure established 1045
under section 2953.37 of the Revised Code and the offenders 1046
identified in division (H) (2) (a) of this section who are 1047
authorized to apply for the expungement. Within thirty days 1048
after September 30, 2011, the attorney general shall provide a 1049
copy of the advisory to each daily newspaper published in this 1050
state and each television station that broadcasts in this state. 1051
The attorney general may provide the advisory in a tangible 1052
form, an electronic form, or in both tangible and electronic 1053
forms. 1054

(I) Whoever violates this section is guilty of improperly 1055

handling firearms in a motor vehicle. Violation of division (A) 1056
of this section is a felony of the fourth degree. Violation of 1057
division (C) of this section is a misdemeanor of the fourth 1058
degree. A violation of division (D) of this section is a felony 1059
of the fifth degree or, if the loaded handgun is concealed on 1060
the person's person, a felony of the fourth degree. ~~Except as~~ 1061
~~otherwise provided in this division, a violation of division (E)~~ 1062
~~(1) or (2) of this section is a misdemeanor of the first degree,~~ 1063
~~and, in addition to any other penalty or sanction imposed for~~ 1064
~~the violation, the offender's concealed handgun license shall be~~ 1065
~~suspended pursuant to division (A) (2) of section 2923.128 of the~~ 1066
~~Revised Code. If at the time of the stop of the offender for a~~ 1067
~~traffic stop, for another law enforcement purpose, or for a~~ 1068
~~purpose defined in section 5503.34 of the Revised Code that was~~ 1069
~~the basis of the violation any law enforcement officer involved~~ 1070
~~with the stop or the employee of the motor carrier enforcement~~ 1071
~~unit who made the stop had actual knowledge of the offender's~~ 1072
~~status as a licensee, a violation of division (E) (1) or (2) of~~ 1073
~~this section is a minor misdemeanor, and the offender's~~ 1074
~~concealed handgun license shall not be suspended pursuant to~~ 1075
~~division (A) (2) of section 2923.128 of the Revised Code. A~~ 1076
violation of division (E) ~~(4)~~ (2) of this section is a felony of 1077
the fifth degree. A violation of division (E) ~~(3)~~ (1) or ~~(5)~~ (3) 1078
of this section is a misdemeanor of the first degree or, if the 1079
offender previously has been convicted of or pleaded guilty to a 1080
violation of division (E) ~~(3)~~ (1) or ~~(5)~~ (3) of this section, a 1081
felony of the fifth degree. In addition to any other penalty or 1082
sanction imposed for a misdemeanor violation of division (E) ~~(3)~~ 1083
(1) or ~~(5)~~ (3) of this section, the offender's concealed handgun 1084
license shall be suspended pursuant to division (A) (2) of 1085
section 2923.128 of the Revised Code. A violation of division 1086
(B) of this section is a felony of the fourth degree. 1087

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

(K) As used in this section:

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

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

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

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

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

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

(ii) Any magazine or speed loader that contains ammunition 1117
and that may be used with the firearm in question is stored in a 1118
compartment within the vehicle in question that cannot be 1119
accessed without leaving the vehicle or is stored in a container 1120
that provides complete and separate enclosure. 1121

(b) For the purposes of division (K) (5) (a) (ii) of this 1122
section, a "container that provides complete and separate 1123
enclosure" includes, but is not limited to, any of the 1124
following: 1125

(i) A package, box, or case with multiple compartments, as 1126
long as the loaded magazine or speed loader and the firearm in 1127
question either are in separate compartments within the package, 1128
box, or case, or, if they are in the same compartment, the 1129
magazine or speed loader is contained within a separate 1130
enclosure in that compartment that does not contain the firearm 1131
and that closes using a snap, button, buckle, zipper, hook and 1132
loop closing mechanism, or other fastener that must be opened to 1133
access the contents or the firearm is contained within a 1134
separate enclosure of that nature in that compartment that does 1135
not contain the magazine or speed loader; 1136

(ii) A pocket or other enclosure on the person of the 1137
person in question that closes using a snap, button, buckle, 1138
zipper, hook and loop closing mechanism, or other fastener that 1139
must be opened to access the contents. 1140

(c) For the purposes of divisions (K) (5) (a) and (b) of 1141
this section, ammunition held in stripper-clips or in en-bloc 1142
clips is not considered ammunition that is loaded into a 1143
magazine or speed loader. 1144

(6) "Unloaded" means, with respect to a firearm employing 1145

a percussion cap, flintlock, or other obsolete ignition system, 1146
when the weapon is uncapped or when the priming charge is 1147
removed from the pan. 1148

(7) "Commercial motor vehicle" has the same meaning as in 1149
division (A) of section 4506.25 of the Revised Code. 1150

(8) "Motor carrier enforcement unit" means the motor 1151
carrier enforcement unit in the department of public safety, 1152
division of state highway patrol, that is created by section 1153
5503.34 of the Revised Code. 1154

(L) Divisions (K) (5) (a) and (b) of this section do not 1155
affect the authority of a person who is carrying a valid 1156
concealed handgun license to have one or more magazines or speed 1157
loaders containing ammunition anywhere in a vehicle, without 1158
being transported as described in those divisions, as long as no 1159
ammunition is in a firearm, other than a handgun, in the vehicle 1160
other than as permitted under any other provision of this 1161
chapter. A person who is carrying a valid concealed handgun 1162
license may have one or more magazines or speed loaders 1163
containing ammunition anywhere in a vehicle without further 1164
restriction, as long as no ammunition is in a firearm, other 1165
than a handgun, in the vehicle other than as permitted under any 1166
provision of this chapter. 1167

Section 2. That existing sections 2923.12, 2923.126, 1168
2923.128, and 2923.16 of the Revised Code are hereby repealed. 1169