

**As Reported by the House Federalism Committee**

**133rd General Assembly**

**Regular Session**

**2019-2020**

**Sub. H. B. No. 425**

**Representative Wiggam**

**Cosponsors: Representatives Kick, Antani, Lang, Merrin, Becker, Riedel, Vitale,  
Manchester, Powell, Koehler, Scherer, Romanchuk**

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**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 105  
actor for any lawful purpose and while in the actor's own home. 106

(E) No person who is charged with a violation of this 107  
section shall be required to obtain a concealed handgun license 108  
as a condition for the dismissal of the charge. 109

(F) (1) Whoever violates this section is guilty of carrying 110  
concealed weapons. Except as otherwise provided in this division 111  
or divisions (F) (2), (5), and (6), ~~and (7)~~ of this section, 112  
carrying concealed weapons in violation of division (A) of this 113  
section is a misdemeanor of the first degree. Except as 114  
otherwise provided in this division or divisions (F) (2), (5), 115  
and (6), ~~and (7)~~ of this section, if the offender previously has 116  
been convicted of a violation of this section or of any offense 117  
of violence, if the weapon involved is a firearm that is either 118  
loaded or for which the offender has ammunition ready at hand, 119  
or if the weapon involved is dangerous ordnance, carrying 120  
concealed weapons in violation of division (A) of this section 121  
is a felony of the fourth degree. Except as otherwise provided 122  
in divisions (F) (2) and ~~(6)~~ (5) of this section, if the offense 123  
is committed aboard an aircraft, or with purpose to carry a 124  
concealed weapon aboard an aircraft, regardless of the weapon 125  
involved, carrying concealed weapons in violation of division 126  
(A) of this section is a felony of the third degree. 127

(2) Except as provided in division ~~(F) (6)~~ (F) (5) of this 128  
section, if a person being arrested for a violation of division 129  
(A) (2) of this section promptly produces a valid concealed 130  
handgun license, and if at the time of the violation the person 131  
was not knowingly in a place described in division (B) of 132  
section 2923.126 of the Revised Code, the officer shall not 133  
arrest the person for a violation of that division. If the 134

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



<del>(7)</del> (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

**Sec. 2923.126.** (A) (1) A concealed handgun license that is 264  
issued under section 2923.125 of the Revised Code shall expire 265  
five years after the date of issuance. A licensee who has been 266  
issued a license under that section shall be granted a grace 267  
period of thirty days after the licensee's license expires 268  
during which the licensee's license remains valid. Except as 269  
provided in divisions (B) and (C) of this section, a licensee 270  
who has been issued a concealed handgun license under section 271  
2923.125 or 2923.1213 of the Revised Code may carry a concealed 272  
handgun anywhere in this state if the licensee also carries a 273  
valid license when the licensee is in actual possession of a 274  
concealed handgun. The licensee shall give notice of any change 275  
in the licensee's residence address to the sheriff who issued 276  
the license within forty-five days after that change. 277

(2) If a licensee is the driver or an occupant of a motor 278  
vehicle that is stopped as the result of a traffic stop or a 279  
stop for another law enforcement purpose and if the licensee is 280  
transporting or has a loaded handgun in the motor vehicle at 281  
that time, before or at the time a law enforcement officer 282

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

(3) If a licensee is the driver or an occupant of a 303  
commercial motor vehicle that is stopped by an employee of the 304  
motor carrier enforcement unit for the purposes defined in 305  
section 5503.34 of the Revised Code and the licensee is 306  
transporting or has a loaded handgun in the commercial motor 307  
vehicle at that time, before or at the time an employee of the 308  
motor carrier enforcement unit requests the licensee's concealed 309  
handgun license or asks if the person is carrying a concealed 310  
handgun, the licensee shall ~~promptly display the licensee's~~ 311  
concealed handgun license or orally inform the employee of the 312  
unit ~~who approaches the vehicle while stopped~~ that the licensee 313

has been issued a concealed handgun license and disclose that 314  
the licensee currently possesses or has a loaded handgun. 315

(4) If a licensee is stopped for a law enforcement purpose 316  
and if the licensee is carrying a concealed handgun at the time 317  
the officer approaches, before or at the time a law enforcement 318  
officer requests the licensee's concealed handgun license or 319  
asks if the person is carrying a concealed handgun, the licensee 320  
shall ~~promptly display the licensee's concealed handgun license~~ 321  
~~or orally inform any the law enforcement officer who approaches~~ 322  
~~the licensee while stopped~~ that the licensee has been issued a 323  
concealed handgun license and disclose that the licensee 324  
currently is carrying a concealed handgun; the licensee shall 325  
not knowingly disregard or fail to comply with lawful orders of 326  
a law enforcement officer given while the licensee is stopped, 327  
or knowingly fail to keep the licensee's hands in plain sight 328  
after any law enforcement officer begins approaching the 329  
licensee while stopped and before the officer leaves, unless 330  
directed otherwise by a law enforcement officer; and the 331  
licensee shall not knowingly remove, attempt to remove, grasp, 332  
or hold the loaded handgun or knowingly have contact with the 333  
loaded handgun by touching it with the licensee's hands or 334  
fingers, in any manner in violation of division (B) of section 335  
2923.12 of the Revised Code, after any law enforcement officer 336  
begins approaching the licensee while stopped and before the 337  
officer leaves. 338

(B) A valid concealed handgun license does not authorize 339  
the licensee to carry a concealed handgun in any manner 340  
prohibited under division (B) of section 2923.12 of the Revised 341  
Code or in any manner prohibited under section 2923.16 of the 342  
Revised Code. A valid license does not authorize the licensee to 343  
carry a concealed handgun into any of the following places: 344

(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 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;	375
(6) Any church, synagogue, mosque, or other place of	376
worship, unless the church, synagogue, mosque, or other place of	377
worship posts or permits otherwise;	378
(7) Any building that is a government facility of this	379
state or a political subdivision of this state and that is not a	380
building that is used primarily as a shelter, restroom, parking	381
facility for motor vehicles, or rest facility and is not a	382
courthouse or other building or structure in which a courtroom	383
is located that is subject to division (B)(3) of this section,	384
unless the governing body with authority over the building has	385
enacted a statute, ordinance, or policy that permits a licensee	386
to carry a concealed handgun into the building;	387
(8) A place in which federal law prohibits the carrying of	388
handguns.	389
(C)(1) Nothing in this section shall negate or restrict a	390
rule, policy, or practice of a private employer that is not a	391
private college, university, or other institution of higher	392
education concerning or prohibiting the presence of firearms on	393
the private employer's premises or property, including motor	394
vehicles owned by the private employer. Nothing in this section	395
shall require a private employer of that nature to adopt a rule,	396
policy, or practice concerning or prohibiting the presence of	397
firearms on the private employer's premises or property,	398
including motor vehicles owned by the private employer.	399
(2)(a) A private employer shall be immune from liability	400
in a civil action for any injury, death, or loss to person or	401
property that allegedly was caused by or related to a licensee	402
bringing a handgun onto the premises or property of the private	403

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

(b) A political subdivision shall be immune from liability 412  
in a civil action, to the extent and in the manner provided in 413  
Chapter 2744. of the Revised Code, for any injury, death, or 414  
loss to person or property that allegedly was caused by or 415  
related to a licensee bringing a handgun onto any premises or 416  
property owned, leased, or otherwise under the control of the 417  
political subdivision. As used in this division, "political 418  
subdivision" has the same meaning as in section 2744.01 of the 419  
Revised Code. 420

(c) An institution of higher education shall be immune 421  
from liability in a civil action for any injury, death, or loss 422  
to person or property that allegedly was caused by or related to 423  
a licensee bringing a handgun onto the premises of the 424  
institution, including motor vehicles owned by the institution, 425  
unless the institution acted with malicious purpose. An 426  
institution of higher education is immune from liability in a 427  
civil action for any injury, death, or loss to person or 428  
property that allegedly was caused by or related to the 429  
institution's decision to permit a licensee or class of 430  
licensees to bring a handgun onto the premises of the 431  
institution. 432

(3) (a) Except as provided in division (C) (3) (b) of this 433

section and section 2923.1214 of the Revised Code, the owner or 434  
person in control of private land or premises, and a private 435  
person or entity leasing land or premises owned by the state, 436  
the United States, or a political subdivision of the state or 437  
the United States, may post a sign in a conspicuous location on 438  
that land or on those premises prohibiting persons from carrying 439  
firearms or concealed firearms on or onto that land or those 440  
premises. Except as otherwise provided in this division, a 441  
person who knowingly violates a posted prohibition of that 442  
nature is guilty of criminal trespass in violation of division 443  
(A) (4) of section 2911.21 of the Revised Code and is guilty of a 444  
misdemeanor of the fourth degree. If a person knowingly violates 445  
a posted prohibition of that nature and the posted land or 446  
premises primarily was a parking lot or other parking facility, 447  
the person is not guilty of criminal trespass under section 448  
2911.21 of the Revised Code or under any other criminal law of 449  
this state or criminal law, ordinance, or resolution of a 450  
political subdivision of this state, and instead is subject only 451  
to a civil cause of action for trespass based on the violation. 452

    If a person knowingly violates a posted prohibition of the 453  
nature described in this division and the posted land or 454  
premises is a child day-care center, type A family day-care 455  
home, or type B family day-care home, unless the person is a 456  
licensee who resides in a type A family day-care home or type B 457  
family day-care home, the person is guilty of aggravated 458  
trespass in violation of section 2911.211 of the Revised Code. 459  
Except as otherwise provided in this division, the offender is 460  
guilty of a misdemeanor of the first degree. If the person 461  
previously has been convicted of a violation of this division or 462  
of any offense of violence, if the weapon involved is a firearm 463  
that is either loaded or for which the offender has ammunition 464



ready at hand, or if the weapon involved is dangerous ordnance, 465  
the offender is guilty of a felony of the fourth degree. 466

(b) A landlord may not prohibit or restrict a tenant who 467  
is a licensee and who on or after September 9, 2008, enters into 468  
a rental agreement with the landlord for the use of residential 469  
premises, and the tenant's guest while the tenant is present, 470  
from lawfully carrying or possessing a handgun on those 471  
residential premises. 472

(c) As used in division (C)(3) of this section: 473

(i) "Residential premises" has the same meaning as in 474  
section 5321.01 of the Revised Code, except "residential 475  
premises" does not include a dwelling unit that is owned or 476  
operated by a college or university. 477

(ii) "Landlord," "tenant," and "rental agreement" have the 478  
same meanings as in section 5321.01 of the Revised Code. 479

(D) A person who holds a valid concealed handgun license 480  
issued by another state that is recognized by the attorney 481  
general pursuant to a reciprocity agreement entered into 482  
pursuant to section 109.69 of the Revised Code or a person who 483  
holds a valid concealed handgun license under the circumstances 484  
described in division (B) of section 109.69 of the Revised Code 485  
has the same right to carry a concealed handgun in this state as 486  
a person who was issued a concealed handgun license under 487  
section 2923.125 of the Revised Code and is subject to the same 488  
restrictions that apply to a person who carries a license issued 489  
under that section. 490

(E) (1) A peace officer has the same right to carry a 491  
concealed handgun in this state as a person who was issued a 492  
concealed handgun license under section 2923.125 of the Revised 493

Code, provided that the officer when carrying a concealed 494  
handgun under authority of this division is carrying validating 495  
identification. For purposes of reciprocity with other states, a 496  
peace officer shall be considered to be a licensee in this 497  
state. 498

(2) An active duty member of the armed forces of the 499  
United States who is carrying a valid military identification 500  
card and documentation of successful completion of firearms 501  
training that meets or exceeds the training requirements 502  
described in division (G) (1) of section 2923.125 of the Revised 503  
Code has the same right to carry a concealed handgun in this 504  
state as a person who was issued a concealed handgun license 505  
under section 2923.125 of the Revised Code and is subject to the 506  
same restrictions as specified in this section. 507

(3) A tactical medical professional who is qualified to 508  
carry firearms while on duty under section 109.771 of the 509  
Revised Code has the same right to carry a concealed handgun in 510  
this state as a person who was issued a concealed handgun 511  
license under section 2923.125 of the Revised Code. 512

(F) (1) A qualified retired peace officer who possesses a 513  
retired peace officer identification card issued pursuant to 514  
division (F) (2) of this section and a valid firearms 515  
requalification certification issued pursuant to division (F) (3) 516  
of this section has the same right to carry a concealed handgun 517  
in this state as a person who was issued a concealed handgun 518  
license under section 2923.125 of the Revised Code and is 519  
subject to the same restrictions that apply to a person who 520  
carries a license issued under that section. For purposes of 521  
reciprocity with other states, a qualified retired peace officer 522  
who possesses a retired peace officer identification card issued 523

pursuant to division (F) (2) of this section and a valid firearms 524  
requalification certification issued pursuant to division (F) (3) 525  
of this section shall be considered to be a licensee in this 526  
state. 527

(2) (a) Each public agency of this state or of a political 528  
subdivision of this state that is served by one or more peace 529  
officers shall issue a retired peace officer identification card 530  
to any person who retired from service as a peace officer with 531  
that agency, if the issuance is in accordance with the agency's 532  
policies and procedures and if the person, with respect to the 533  
person's service with that agency, satisfies all of the 534  
following: 535

(i) The person retired in good standing from service as a 536  
peace officer with the public agency, and the retirement was not 537  
for reasons of mental instability. 538

(ii) Before retiring from service as a peace officer with 539  
that agency, the person was authorized to engage in or supervise 540  
the prevention, detection, investigation, or prosecution of, or 541  
the incarceration of any person for, any violation of law and 542  
the person had statutory powers of arrest. 543

(iii) At the time of the person's retirement as a peace 544  
officer with that agency, the person was trained and qualified 545  
to carry firearms in the performance of the peace officer's 546  
duties. 547

(iv) Before retiring from service as a peace officer with 548  
that agency, the person was regularly employed as a peace 549  
officer for an aggregate of fifteen years or more, or, in the 550  
alternative, the person retired from service as a peace officer 551  
with that agency, after completing any applicable probationary 552

period of that service, due to a service-connected disability, 553  
as determined by the agency. 554

(b) A retired peace officer identification card issued to 555  
a person under division (F) (2) (a) of this section shall identify 556  
the person by name, contain a photograph of the person, identify 557  
the public agency of this state or of the political subdivision 558  
of this state from which the person retired as a peace officer 559  
and that is issuing the identification card, and specify that 560  
the person retired in good standing from service as a peace 561  
officer with the issuing public agency and satisfies the 562  
criteria set forth in divisions (F) (2) (a) (i) to (iv) of this 563  
section. In addition to the required content specified in this 564  
division, a retired peace officer identification card issued to 565  
a person under division (F) (2) (a) of this section may include 566  
the firearms requalification certification described in division 567  
(F) (3) of this section, and if the identification card includes 568  
that certification, the identification card shall serve as the 569  
firearms requalification certification for the retired peace 570  
officer. If the issuing public agency issues credentials to 571  
active law enforcement officers who serve the agency, the agency 572  
may comply with division (F) (2) (a) of this section by issuing 573  
the same credentials to persons who retired from service as a 574  
peace officer with the agency and who satisfy the criteria set 575  
forth in divisions (F) (2) (a) (i) to (iv) of this section, 576  
provided that the credentials so issued to retired peace 577  
officers are stamped with the word "RETIRED." 578

(c) A public agency of this state or of a political 579  
subdivision of this state may charge persons who retired from 580  
service as a peace officer with the agency a reasonable fee for 581  
issuing to the person a retired peace officer identification 582  
card pursuant to division (F) (2) (a) of this section. 583

(3) If a person retired from service as a peace officer 584  
with a public agency of this state or of a political subdivision 585  
of this state and the person satisfies the criteria set forth in 586  
divisions (F) (2) (a) (i) to (iv) of this section, the public 587  
agency may provide the retired peace officer with the 588  
opportunity to attend a firearms requalification program that is 589  
approved for purposes of firearms requalification required under 590  
section 109.801 of the Revised Code. The retired peace officer 591  
may be required to pay the cost of the course. 592

If a retired peace officer who satisfies the criteria set 593  
forth in divisions (F) (2) (a) (i) to (iv) of this section attends 594  
a firearms requalification program that is approved for purposes 595  
of firearms requalification required under section 109.801 of 596  
the Revised Code, the retired peace officer's successful 597  
completion of the firearms requalification program requalifies 598  
the retired peace officer for purposes of division (F) of this 599  
section for five years from the date on which the program was 600  
successfully completed, and the requalification is valid during 601  
that five-year period. If a retired peace officer who satisfies 602  
the criteria set forth in divisions (F) (2) (a) (i) to (iv) of this 603  
section satisfactorily completes such a firearms requalification 604  
program, the retired peace officer shall be issued a firearms 605  
requalification certification that identifies the retired peace 606  
officer by name, identifies the entity that taught the program, 607  
specifies that the retired peace officer successfully completed 608  
the program, specifies the date on which the course was 609  
successfully completed, and specifies that the requalification 610  
is valid for five years from that date of successful completion. 611  
The firearms requalification certification for a retired peace 612  
officer may be included in the retired peace officer 613  
identification card issued to the retired peace officer under 614

division (F) (2) of this section. 615

A retired peace officer who attends a firearms 616  
requalification program that is approved for purposes of 617  
firearms requalification required under section 109.801 of the 618  
Revised Code may be required to pay the cost of the program. 619

(G) As used in this section: 620

(1) "Qualified retired peace officer" means a person who 621  
satisfies all of the following: 622

(a) The person satisfies the criteria set forth in 623  
divisions (F) (2) (a) (i) to (v) of this section. 624

(b) The person is not under the influence of alcohol or 625  
another intoxicating or hallucinatory drug or substance. 626

(c) The person is not prohibited by federal law from 627  
receiving firearms. 628

(2) "Retired peace officer identification card" means an 629  
identification card that is issued pursuant to division (F) (2) 630  
of this section to a person who is a retired peace officer. 631

(3) "Government facility of this state or a political 632  
subdivision of this state" means any of the following: 633

(a) A building or part of a building that is owned or 634  
leased by the government of this state or a political 635  
subdivision of this state and where employees of the government 636  
of this state or the political subdivision regularly are present 637  
for the purpose of performing their official duties as employees 638  
of the state or political subdivision; 639

(b) The office of a deputy registrar serving pursuant to 640  
Chapter 4503. of the Revised Code that is used to perform deputy 641

registrar functions. 642

(4) "Governing body" has the same meaning as in section 643  
154.01 of the Revised Code. 644

(5) "Tactical medical professional" has the same meaning 645  
as in section 109.71 of the Revised Code. 646

(6) "Validating identification" means photographic 647  
identification issued by the agency for which an individual 648  
serves as a peace officer that identifies the individual as a 649  
peace officer of the agency. 650

**Sec. 2923.128.** (A) (1) (a) If a licensee holding a valid 651  
concealed handgun license is arrested for or otherwise charged 652  
with an offense described in division (D) (1) (d) of section 653  
2923.125 of the Revised Code or with a violation of section 654  
2923.15 of the Revised Code or becomes subject to a temporary 655  
protection order or to a protection order issued by a court of 656  
another state that is substantially equivalent to a temporary 657  
protection order, the sheriff who issued the license shall 658  
suspend it and shall comply with division (A) (3) of this section 659  
upon becoming aware of the arrest, charge, or protection order. 660  
Upon suspending the license, the sheriff also shall comply with 661  
division (H) of section 2923.125 of the Revised Code. 662

(b) A suspension under division (A) (1) (a) of this section 663  
shall be considered as beginning on the date that the licensee 664  
is arrested for or otherwise charged with an offense described 665  
in that division or on the date the appropriate court issued the 666  
protection order described in that division, irrespective of 667  
when the sheriff notifies the licensee under division (A) (3) of 668  
this section. The suspension shall end on the date on which the 669  
charges are dismissed or the licensee is found not guilty of the 670

offense described in division (A) (1) (a) of this section or, 671  
subject to division (B) of this section, on the date the 672  
appropriate court terminates the protection order described in 673  
that division. If the suspension so ends, the sheriff shall 674  
return the license or temporary emergency license to the 675  
licensee. 676

(2) (a) If a licensee holding a valid concealed handgun 677  
license is convicted of or pleads guilty to a misdemeanor 678  
violation of division (B) ~~(1), (2)~~ or (4) of section 2923.12 of 679  
the Revised Code or of division (E) ~~(1), (2), (3)~~ or (5) of 680  
section 2923.16 of the Revised Code, ~~except as provided in~~ 681  
~~division (A) (2) (c) of this section and~~ subject to division (C) 682  
of this section, the sheriff who issued the license shall 683  
suspend it and shall comply with division (A) (3) of this section 684  
upon becoming aware of the conviction or guilty plea. Upon 685  
suspending the license, the sheriff also shall comply with 686  
division (H) of section 2923.125 of the Revised Code. 687

(b) A suspension under division (A) (2) (a) of this section 688  
shall be considered as beginning on the date that the licensee 689  
is convicted of or pleads guilty to the offense described in 690  
that division, irrespective of when the sheriff notifies the 691  
licensee under division (A) (3) of this section. If the 692  
suspension is imposed for a misdemeanor violation of division 693  
(B) ~~(1) or~~ (2) of section 2923.12 of the Revised Code or of 694  
division (E) ~~(1), (2), or~~ (3) of section 2923.16 of the Revised 695  
Code, it shall end on the date that is one year after the date 696  
that the licensee is convicted of or pleads guilty to that 697  
violation. If the suspension is imposed for a misdemeanor 698  
violation of division (B) (4) of section 2923.12 of the Revised 699  
Code or of division (E) (5) of section 2923.16 of the Revised 700  
Code, it shall end on the date that is two years after the date 701



that the licensee is convicted of or pleads guilty to that 702  
violation. If the licensee's license was issued under section 703  
2923.125 of the Revised Code and the license remains valid after 704  
the suspension ends as described in this division, when the 705  
suspension ends, the sheriff shall return the license to the 706  
licensee. If the licensee's license was issued under section 707  
2923.125 of the Revised Code and the license expires before the 708  
suspension ends as described in this division, or if the 709  
licensee's license was issued under section 2923.1213 of the 710  
Revised Code, the licensee is not eligible to apply for a new 711  
license under section 2923.125 or 2923.1213 of the Revised Code 712  
or to renew the license under section 2923.125 of the Revised 713  
Code until after the suspension ends as described in this 714  
division. 715

~~(c) The license of a licensee who is convicted of or 716  
pleads guilty to a violation of division (B) (1) of section 717  
2923.12 or division (E) (1) or (2) of section 2923.16 of the 718  
Revised Code shall not be suspended pursuant to division (A) (2) 719  
(a) of this section if, at the time of the stop of the licensee 720  
for a law enforcement purpose, for a traffic stop, or for a 721  
purpose defined in section 5503.34 of the Revised Code that was 722  
the basis of the violation, any law enforcement officer involved 723  
with the stop or the employee of the motor carrier enforcement 724  
unit who made the stop had actual knowledge of the licensee's 725  
status as a licensee. 726~~

(3) Upon becoming aware of an arrest, charge, or 727  
protection order described in division (A) (1) (a) of this section 728  
with respect to a licensee who was issued a concealed handgun 729  
license, or a conviction of or plea of guilty to a misdemeanor 730  
offense described in division (A) (2) (a) of this section with 731  
respect to a licensee who was issued a concealed handgun license 732

~~and with respect to which division (A)(2)(c) of this section~~ 733  
~~does not apply,~~ subject to division (C) of this section, the 734  
sheriff who issued the licensee's license shall notify the 735  
licensee, by certified mail, return receipt requested, at the 736  
licensee's last known residence address that the license has 737  
been suspended and that the licensee is required to surrender 738  
the license at the sheriff's office within ten days of the date 739  
on which the notice was mailed. If the suspension is pursuant to 740  
division (A)(2) of this section, the notice shall identify the 741  
date on which the suspension ends. 742

(B)(1) A sheriff who issues a concealed handgun license to 743  
a licensee shall revoke the license in accordance with division 744  
(B)(2) of this section upon becoming aware that the licensee 745  
satisfies any of the following: 746

(a) The licensee is under twenty-one years of age. 747

(b) Subject to division (C) of this section, at the time 748  
of the issuance of the license, the licensee did not satisfy the 749  
eligibility requirements of division (D)(1)(c), (d), (e), (f), 750  
(g), or (h) of section 2923.125 of the Revised Code. 751

(c) Subject to division (C) of this section, on or after 752  
the date on which the license was issued, the licensee is 753  
convicted of or pleads guilty to a violation of section 2923.15 754  
of the Revised Code or an offense described in division (D)(1) 755  
(e), (f), (g), or (h) of section 2923.125 of the Revised Code. 756

(d) On or after the date on which the license was issued, 757  
the licensee becomes subject to a civil protection order or to a 758  
protection order issued by a court of another state that is 759  
substantially equivalent to a civil protection order. 760

(e) The licensee knowingly carries a concealed handgun 761

into a place that the licensee knows is an unauthorized place 762  
specified in division (B) of section 2923.126 of the Revised 763  
Code. 764

(f) On or after the date on which the license was issued, 765  
the licensee is adjudicated as a mental defective or is 766  
committed to a mental institution. 767

(g) At the time of the issuance of the license, the 768  
licensee did not meet the residency requirements described in 769  
division (D) (1) of section 2923.125 of the Revised Code and 770  
currently does not meet the residency requirements described in 771  
that division. 772

(h) Regarding a license issued under section 2923.125 of 773  
the Revised Code, the competency certificate the licensee 774  
submitted was forged or otherwise was fraudulent. 775

(2) Upon becoming aware of any circumstance listed in 776  
division (B) (1) of this section that applies to a particular 777  
licensee who was issued a concealed handgun license, subject to 778  
division (C) of this section, the sheriff who issued the license 779  
to the licensee shall notify the licensee, by certified mail, 780  
return receipt requested, at the licensee's last known residence 781  
address that the license is subject to revocation and that the 782  
licensee may come to the sheriff's office and contest the 783  
sheriff's proposed revocation within fourteen days of the date 784  
on which the notice was mailed. After the fourteen-day period 785  
and after consideration of any information that the licensee 786  
provides during that period, if the sheriff determines on the 787  
basis of the information of which the sheriff is aware that the 788  
licensee is described in division (B) (1) of this section and no 789  
longer satisfies the requirements described in division (D) (1) 790  
of section 2923.125 of the Revised Code that are applicable to 791

the licensee's type of license, the sheriff shall revoke the 792  
license, notify the licensee of that fact, and require the 793  
licensee to surrender the license. Upon revoking the license, 794  
the sheriff also shall comply with division (H) of section 795  
2923.125 of the Revised Code. 796

(C) If a sheriff who issues a concealed handgun license to 797  
a licensee becomes aware that at the time of the issuance of the 798  
license the licensee had been convicted of or pleaded guilty to 799  
an offense identified in division (D) (1) (e), (f), or (h) of 800  
section 2923.125 of the Revised Code or had been adjudicated a 801  
delinquent child for committing an act or violation identified 802  
in any of those divisions or becomes aware that on or after the 803  
date on which the license was issued the licensee has been 804  
convicted of or pleaded guilty to an offense identified in 805  
division (A) (2) (a) or (B) (1) (c) of this section, the sheriff 806  
shall not consider that conviction, guilty plea, or adjudication 807  
as having occurred for purposes of divisions (A) (2), (A) (3), (B) 808  
(1), and (B) (2) of this section if a court has ordered the 809  
sealing or expungement of the records of that conviction, guilty 810  
plea, or adjudication pursuant to sections 2151.355 to 2151.358 811  
or sections 2953.31 to 2953.36 of the Revised Code or the 812  
licensee has been relieved under operation of law or legal 813  
process from the disability imposed pursuant to section 2923.13 814  
of the Revised Code relative to that conviction, guilty plea, or 815  
adjudication. 816

(D) As used in this section, "motor carrier enforcement 817  
unit" has the same meaning as in section 2923.16 of the Revised 818  
Code. 819

**Sec. 2923.16.** (A) No person shall knowingly discharge a 820  
firearm while in or on a motor vehicle. 821

(B) No person shall knowingly transport or have a loaded 822  
firearm in a motor vehicle in such a manner that the firearm is 823  
accessible to the operator or any passenger without leaving the 824  
vehicle. 825

(C) No person shall knowingly transport or have a firearm 826  
in a motor vehicle, unless the person may lawfully possess that 827  
firearm under applicable law of this state or the United States, 828  
the firearm is unloaded, and the firearm is carried in one of 829  
the following ways: 830

(1) In a closed package, box, or case; 831

(2) In a compartment that can be reached only by leaving 832  
the vehicle; 833

(3) In plain sight and secured in a rack or holder made 834  
for the purpose; 835

(4) If the firearm is at least twenty-four inches in 836  
overall length as measured from the muzzle to the part of the 837  
stock furthest from the muzzle and if the barrel is at least 838  
eighteen inches in length, either in plain sight with the action 839  
open or the weapon stripped, or, if the firearm is of a type on 840  
which the action will not stay open or which cannot easily be 841  
stripped, in plain sight. 842

(D) No person shall knowingly transport or have a loaded 843  
handgun in a motor vehicle if, at the time of that 844  
transportation or possession, any of the following applies: 845

(1) The person is under the influence of alcohol, a drug 846  
of abuse, or a combination of them. 847

(2) The person's whole blood, blood serum or plasma, 848  
breath, or urine contains a concentration of alcohol, a listed 849

controlled substance, or a listed metabolite of a controlled 850  
substance prohibited for persons operating a vehicle, as 851  
specified in division (A) of section 4511.19 of the Revised 852  
Code, regardless of whether the person at the time of the 853  
transportation or possession as described in this division is 854  
the operator of or a passenger in the motor vehicle. 855

(E) No person who has been issued a concealed handgun 856  
license or who is an active duty member of the armed forces of 857  
the United States and is carrying a valid military 858  
identification card and documentation of successful completion 859  
of firearms training that meets or exceeds the training 860  
requirements described in division (G) (1) of section 2923.125 of 861  
the Revised Code, who is the driver or an occupant of a motor 862  
vehicle that is stopped as a result of a traffic stop or a stop 863  
for another law enforcement purpose or is the driver or an 864  
occupant of a commercial motor vehicle that is stopped by an 865  
employee of the motor carrier enforcement unit for the purposes 866  
defined in section 5503.34 of the Revised Code, and who is 867  
transporting or has a loaded handgun in the motor vehicle or 868  
commercial motor vehicle in any manner, shall do any of the 869  
following: 870

(1) ~~Fail to promptly~~ Before or at the time a law 871  
enforcement officer requests the person's concealed handgun 872  
license or asks if the person is carrying a concealed handgun, 873  
fail to do both of the following: 874

(a) Display the person's concealed handgun license or 875  
military identification card and documentation of successful 876  
completion of firearms training that meets or exceeds the 877  
training requirements described in division (G) (1) of section 878  
2923.125 of the Revised Code or orally inform ~~any~~ the law 879

enforcement officer ~~who approaches the vehicle while stopped~~ 880  
that the person has been issued a concealed handgun license or 881  
is authorized to carry a concealed handgun as an active duty 882  
member of the armed forces of the United States ~~and;~~ 883

(b) Disclose that the person then possesses or has a 884  
loaded handgun in the motor vehicle~~+~~. 885

(2) ~~Fail to promptly~~ Before or at the time an employee of 886  
the motor carrier enforcement unit requests the person's 887  
concealed handgun license or asks if the person is carrying a 888  
concealed handgun, fail to do both of the following: 889

(a) Display the person's concealed handgun license or 890  
military identification card and documentation of successful 891  
completion of firearms training that meets or exceeds the 892  
training requirements described in division (G)(1) of section 893  
2923.125 of the Revised Code or orally inform the employee of 894  
the unit ~~who approaches the vehicle while stopped~~ that the 895  
person has been issued a concealed handgun license or is 896  
authorized to carry a concealed handgun as an active duty member 897  
of the armed forces of the United States ~~and;~~ 898

(b) Disclose that the person then possesses or has a 899  
loaded handgun in the commercial motor vehicle~~+~~. 900

(3) Knowingly fail to remain in the motor vehicle while 901  
stopped or knowingly fail to keep the person's hands in plain 902  
sight at any time after any law enforcement officer begins 903  
approaching the person while stopped and before the law 904  
enforcement officer leaves, unless the failure is pursuant to 905  
and in accordance with directions given by a law enforcement 906  
officer; 907

(4) Knowingly have contact with the loaded handgun by 908

touching it with the person's hands or fingers in the motor 909  
vehicle at any time after the law enforcement officer begins 910  
approaching and before the law enforcement officer leaves, 911  
unless the person has contact with the loaded handgun pursuant 912  
to and in accordance with directions given by the law 913  
enforcement officer; 914

(5) Knowingly disregard or fail to comply with any lawful 915  
order of any law enforcement officer given while the motor 916  
vehicle is stopped, including, but not limited to, a specific 917  
order to the person to keep the person's hands in plain sight. 918

(F) (1) Divisions (A), (B), (C), and (E) of this section do 919  
not apply to any of the following: 920

(a) An officer, agent, or employee of this or any other 921  
state or the United States, or a law enforcement officer, when 922  
authorized to carry or have loaded or accessible firearms in 923  
motor vehicles and acting within the scope of the officer's, 924  
agent's, or employee's duties; 925

(b) Any person who is employed in this state, who is 926  
authorized to carry or have loaded or accessible firearms in 927  
motor vehicles, and who is subject to and in compliance with the 928  
requirements of section 109.801 of the Revised Code, unless the 929  
appointing authority of the person has expressly specified that 930  
the exemption provided in division (F) (1) (b) of this section 931  
does not apply to the person. 932

(2) Division (A) of this section does not apply to a 933  
person if all of the following circumstances apply: 934

(a) The person discharges a firearm from a motor vehicle 935  
at a coyote or groundhog, the discharge is not during the deer 936  
gun hunting season as set by the chief of the division of 937



wildlife of the department of natural resources, and the 938  
discharge at the coyote or groundhog, but for the operation of 939  
this section, is lawful. 940

(b) The motor vehicle from which the person discharges the 941  
firearm is on real property that is located in an unincorporated 942  
area of a township and that either is zoned for agriculture or 943  
is used for agriculture. 944

(c) The person owns the real property described in 945  
division (F) (2) (b) of this section, is the spouse or a child of 946  
another person who owns that real property, is a tenant of 947  
another person who owns that real property, or is the spouse or 948  
a child of a tenant of another person who owns that real 949  
property. 950

(d) The person does not discharge the firearm in any of 951  
the following manners: 952

(i) While under the influence of alcohol, a drug of abuse, 953  
or alcohol and a drug of abuse; 954

(ii) In the direction of a street, highway, or other 955  
public or private property used by the public for vehicular 956  
traffic or parking; 957

(iii) At or into an occupied structure that is a permanent 958  
or temporary habitation; 959

(iv) In the commission of any violation of law, including, 960  
but not limited to, a felony that includes, as an essential 961  
element, purposely or knowingly causing or attempting to cause 962  
the death of or physical harm to another and that was committed 963  
by discharging a firearm from a motor vehicle. 964

(3) Division (A) of this section does not apply to a 965

person if all of the following apply: 966

(a) The person possesses a valid all-purpose vehicle 967  
permit issued under section 1533.103 of the Revised Code by the 968  
chief of the division of wildlife. 969

(b) The person discharges a firearm at a wild quadruped or 970  
game bird as defined in section 1531.01 of the Revised Code 971  
during the open hunting season for the applicable wild quadruped 972  
or game bird. 973

(c) The person discharges a firearm from a stationary all- 974  
purpose vehicle as defined in section 1531.01 of the Revised 975  
Code from private or publicly owned lands or from a motor 976  
vehicle that is parked on a road that is owned or administered 977  
by the division of wildlife. 978

(d) The person does not discharge the firearm in any of 979  
the following manners: 980

(i) While under the influence of alcohol, a drug of abuse, 981  
or alcohol and a drug of abuse; 982

(ii) In the direction of a street, a highway, or other 983  
public or private property that is used by the public for 984  
vehicular traffic or parking; 985

(iii) At or into an occupied structure that is a permanent 986  
or temporary habitation; 987

(iv) In the commission of any violation of law, including, 988  
but not limited to, a felony that includes, as an essential 989  
element, purposely or knowingly causing or attempting to cause 990  
the death of or physical harm to another and that was committed 991  
by discharging a firearm from a motor vehicle. 992

(4) Divisions (B) and (C) of this section do not apply to 993

a person if all of the following circumstances apply: 994

(a) At the time of the alleged violation of either of 995  
those divisions, the person is the operator of or a passenger in 996  
a motor vehicle. 997

(b) The motor vehicle is on real property that is located 998  
in an unincorporated area of a township and that either is zoned 999  
for agriculture or is used for agriculture. 1000

(c) The person owns the real property described in 1001  
division (D) (4) (b) of this section, is the spouse or a child of 1002  
another person who owns that real property, is a tenant of 1003  
another person who owns that real property, or is the spouse or 1004  
a child of a tenant of another person who owns that real 1005  
property. 1006

(d) The person, prior to arriving at the real property 1007  
described in division (D) (4) (b) of this section, did not 1008  
transport or possess a firearm in the motor vehicle in a manner 1009  
prohibited by division (B) or (C) of this section while the 1010  
motor vehicle was being operated on a street, highway, or other 1011  
public or private property used by the public for vehicular 1012  
traffic or parking. 1013

(5) Divisions (B) and (C) of this section do not apply to 1014  
a person who transports or possesses a handgun in a motor 1015  
vehicle if, at the time of that transportation or possession, 1016  
both of the following apply: 1017

(a) The person transporting or possessing the handgun is 1018  
either carrying a valid concealed handgun license or is an 1019  
active duty member of the armed forces of the United States and 1020  
is carrying a valid military identification card and 1021  
documentation of successful completion of firearms training that 1022

meets or exceeds the training requirements described in division 1023  
(G) (1) of section 2923.125 of the Revised Code. 1024

(b) The person transporting or possessing the handgun is 1025  
not knowingly in a place described in division (B) of section 1026  
2923.126 of the Revised Code. 1027

(6) Divisions (B) and (C) of this section do not apply to 1028  
a person if all of the following apply: 1029

(a) The person possesses a valid all-purpose vehicle 1030  
permit issued under section 1533.103 of the Revised Code by the 1031  
chief of the division of wildlife. 1032

(b) The person is on or in an all-purpose vehicle as 1033  
defined in section 1531.01 of the Revised Code or a motor 1034  
vehicle during the open hunting season for a wild quadruped or 1035  
game bird. 1036

(c) The person is on or in an all-purpose vehicle as 1037  
defined in section 1531.01 of the Revised Code on private or 1038  
publicly owned lands or on or in a motor vehicle that is parked 1039  
on a road that is owned or administered by the division of 1040  
wildlife. 1041

(7) Nothing in this section prohibits or restricts a 1042  
person from possessing, storing, or leaving a firearm in a 1043  
locked motor vehicle that is parked in the state underground 1044  
parking garage at the state capitol building or in the parking 1045  
garage at the Riffe center for government and the arts in 1046  
Columbus, if the person's transportation and possession of the 1047  
firearm in the motor vehicle while traveling to the premises or 1048  
facility was not in violation of division (A), (B), (C), (D), or 1049  
(E) of this section or any other provision of the Revised Code. 1050

(G) (1) The affirmative defenses authorized in divisions 1051

(D) (1) and (2) of section 2923.12 of the Revised Code are 1052  
affirmative defenses to a charge under division (B) or (C) of 1053  
this section that involves a firearm other than a handgun. 1054

(2) It is an affirmative defense to a charge under 1055  
division (B) or (C) of this section of improperly handling 1056  
firearms in a motor vehicle that the actor transported or had 1057  
the firearm in the motor vehicle for any lawful purpose and 1058  
while the motor vehicle was on the actor's own property, 1059  
provided that this affirmative defense is not available unless 1060  
the person, immediately prior to arriving at the actor's own 1061  
property, did not transport or possess the firearm in a motor 1062  
vehicle in a manner prohibited by division (B) or (C) of this 1063  
section while the motor vehicle was being operated on a street, 1064  
highway, or other public or private property used by the public 1065  
for vehicular traffic. 1066

(H) (1) No person who is charged with a violation of 1067  
division (B), (C), or (D) of this section shall be required to 1068  
obtain a concealed handgun license as a condition for the 1069  
dismissal of the charge. 1070

(2) (a) If a person is convicted of, was convicted of, 1071  
pleads guilty to, or has pleaded guilty to a violation of 1072  
division (E) of this section as it existed prior to September 1073  
30, 2011, and if the conduct that was the basis of the violation 1074  
no longer would be a violation of division (E) of this section 1075  
on or after September 30, 2011, the person may file an 1076  
application under section 2953.37 of the Revised Code requesting 1077  
the expungement of the record of conviction. 1078

If a person is convicted of, was convicted of, pleads 1079  
guilty to, or has pleaded guilty to a violation of division (B) 1080  
or (C) of this section as the division existed prior to 1081

September 30, 2011, and if the conduct that was the basis of the 1082  
violation no longer would be a violation of division (B) or (C) 1083  
of this section on or after September 30, 2011, due to the 1084  
application of division (F) (5) of this section as it exists on 1085  
and after September 30, 2011, the person may file an application 1086  
under section 2953.37 of the Revised Code requesting the 1087  
expungement of the record of conviction. 1088

(b) The attorney general shall develop a public media 1089  
advisory that summarizes the expungement procedure established 1090  
under section 2953.37 of the Revised Code and the offenders 1091  
identified in division (H) (2) (a) of this section who are 1092  
authorized to apply for the expungement. Within thirty days 1093  
after September 30, 2011, the attorney general shall provide a 1094  
copy of the advisory to each daily newspaper published in this 1095  
state and each television station that broadcasts in this state. 1096  
The attorney general may provide the advisory in a tangible 1097  
form, an electronic form, or in both tangible and electronic 1098  
forms. 1099

(I) Whoever violates this section is guilty of improperly 1100  
handling firearms in a motor vehicle. Violation of division (A) 1101  
of this section is a felony of the fourth degree. Violation of 1102  
division (C) of this section is a misdemeanor of the fourth 1103  
degree. A violation of division (D) of this section is a felony 1104  
of the fifth degree or, if the loaded handgun is concealed on 1105  
the person's person, a felony of the fourth degree. ~~Except as~~ 1106  
~~otherwise provided in this division, a violation of division (E)~~ 1107  
~~(1) or (2) of this section is a misdemeanor of the first degree,~~ 1108  
~~and, in addition to any other penalty or sanction imposed for~~ 1109  
~~the violation, the offender's concealed handgun license shall be~~ 1110  
~~suspended pursuant to division (A) (2) of section 2923.128 of the~~ 1111  
~~Revised Code. If at the time of the stop of the offender for a~~ 1112

~~traffic stop, for another law enforcement purpose, or for a~~ 1113  
~~purpose defined in section 5503.34 of the Revised Code that was~~ 1114  
~~the basis of the violation any law enforcement officer involved~~ 1115  
~~with the stop or the employee of the motor carrier enforcement~~ 1116  
~~unit who made the stop had actual knowledge of the offender's~~ 1117  
~~status as a licensee, a violation of division (E) (1) or (2) of~~ 1118  
~~this section is a minor misdemeanor, and the offender's~~ 1119  
~~concealed handgun license shall not be suspended pursuant to~~ 1120  
~~division (A) (2) of section 2923.128 of the Revised Code . A~~ 1121  
violation of division (E) (4) of this section is a felony of the 1122  
fifth degree. A violation of division (E) (3) or (5) of this 1123  
section is a misdemeanor of the first degree or, if the offender 1124  
previously has been convicted of or pleaded guilty to a 1125  
violation of division (E) (3) or (5) of this section, a felony of 1126  
the fifth degree. In addition to any other penalty or sanction 1127  
imposed for a misdemeanor violation of division (E) (3) or (5) of 1128  
this section, the offender's concealed handgun license shall be 1129  
suspended pursuant to division (A) (2) of section 2923.128 of the 1130  
Revised Code. A violation of division (B) of this section is a 1131  
felony of the fourth degree. 1132

(J) If a law enforcement officer stops a motor vehicle for 1133  
a traffic stop or any other purpose, if any person in the motor 1134  
vehicle surrenders a firearm to the officer, either voluntarily 1135  
or pursuant to a request or demand of the officer, and if the 1136  
officer does not charge the person with a violation of this 1137  
section or arrest the person for any offense, the person is not 1138  
otherwise prohibited by law from possessing the firearm, and the 1139  
firearm is not contraband, the officer shall return the firearm 1140  
to the person at the termination of the stop. If a court orders 1141  
a law enforcement officer to return a firearm to a person 1142  
pursuant to the requirement set forth in this division, division 1143

(B) of section 2923.163 of the Revised Code applies.	1144
(K) As used in this section:	1145
(1) "Motor vehicle," "street," and "highway" have the same meanings as in section 4511.01 of the Revised Code.	1146 1147
(2) "Occupied structure" has the same meaning as in section 2909.01 of the Revised Code.	1148 1149
(3) "Agriculture" has the same meaning as in section 519.01 of the Revised Code.	1150 1151
(4) "Tenant" has the same meaning as in section 1531.01 of the Revised Code.	1152 1153
(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:	1154 1155 1156 1157 1158
(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.	1159 1160 1161
(ii) Any magazine or speed loader that contains ammunition and that may be used with the firearm in question is stored in a compartment within the vehicle in question that cannot be accessed without leaving the vehicle or is stored in a container that provides complete and separate enclosure.	1162 1163 1164 1165 1166
(b) For the purposes of division (K) (5) (a) (ii) of this section, a "container that provides complete and separate enclosure" includes, but is not limited to, any of the following:	1167 1168 1169 1170



(i) A package, box, or case with multiple compartments, as 1171  
long as the loaded magazine or speed loader and the firearm in 1172  
question either are in separate compartments within the package, 1173  
box, or case, or, if they are in the same compartment, the 1174  
magazine or speed loader is contained within a separate 1175  
enclosure in that compartment that does not contain the firearm 1176  
and that closes using a snap, button, buckle, zipper, hook and 1177  
loop closing mechanism, or other fastener that must be opened to 1178  
access the contents or the firearm is contained within a 1179  
separate enclosure of that nature in that compartment that does 1180  
not contain the magazine or speed loader; 1181

(ii) A pocket or other enclosure on the person of the 1182  
person in question that closes using a snap, button, buckle, 1183  
zipper, hook and loop closing mechanism, or other fastener that 1184  
must be opened to access the contents. 1185

(c) For the purposes of divisions (K) (5) (a) and (b) of 1186  
this section, ammunition held in stripper-clips or in en-bloc 1187  
clips is not considered ammunition that is loaded into a 1188  
magazine or speed loader. 1189

(6) "Unloaded" means, with respect to a firearm employing 1190  
a percussion cap, flintlock, or other obsolete ignition system, 1191  
when the weapon is uncapped or when the priming charge is 1192  
removed from the pan. 1193

(7) "Commercial motor vehicle" has the same meaning as in 1194  
division (A) of section 4506.25 of the Revised Code. 1195

(8) "Motor carrier enforcement unit" means the motor 1196  
carrier enforcement unit in the department of public safety, 1197  
division of state highway patrol, that is created by section 1198  
5503.34 of the Revised Code. 1199

(L) Divisions (K) (5) (a) and (b) of this section do not 1200  
affect the authority of a person who is carrying a valid 1201  
concealed handgun license to have one or more magazines or speed 1202  
loaders containing ammunition anywhere in a vehicle, without 1203  
being transported as described in those divisions, as long as no 1204  
ammunition is in a firearm, other than a handgun, in the vehicle 1205  
other than as permitted under any other provision of this 1206  
chapter. A person who is carrying a valid concealed handgun 1207  
license may have one or more magazines or speed loaders 1208  
containing ammunition anywhere in a vehicle without further 1209  
restriction, as long as no ammunition is in a firearm, other 1210  
than a handgun, in the vehicle other than as permitted under any 1211  
provision of this chapter. 1212

**Section 2.** That existing sections 2923.12, 2923.126, 1213  
2923.128, and 2923.16 of the Revised Code are hereby repealed. 1214

**Section 3.** Section 2923.126 of the Revised Code is 1215  
presented in this act as a composite of the section as amended 1216  
by both Am. Sub. H.B. 79 and Am. Sub. H.B. 228 of the 132nd 1217  
General Assembly. The General Assembly, applying the principle 1218  
stated in division (B) of section 1.52 of the Revised Code that 1219  
amendments are to be harmonized if reasonably capable of 1220  
simultaneous operation, finds that the composite is the 1221  
resulting version of the section in effect prior to the 1222  
effective date of the section as presented in this act. 1223