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Representative Maag

Cosponsors: Representatives Hood, Retherford, Vitale, Brinkman, Becker, Buchy, LaTourette, Hayes, Thompson, Kraus, Amstutz, Antani, Blessing, Boose, Brenner, Burkley, Conditt, Dovilla, Ginter, Green, Grossman, Hackett, Hambley, Henne, Hill, Huffman, Johnson, T., Koehler, Landis, McClain, McColley, Pelanda, Perales, Ruhl, Schaffer, Sears, Smith, R., Sprague, Terhar, Young, Zeltwanger, Speaker Rosenberger

A BILL

To amend sections 311.42, 2923.12, 2923.122, and 1
2923.126 and to enact section 5103.132 of the 2
Revised Code to modify the prohibition against 3
carrying a concealed handgun onto institutions 4
of higher education, day-care facilities, 5
aircraft, certain government facilities, public 6
areas of airport terminals, and school safety 7
zones, to allow a sheriff to use concealed 8
handgun license fee revenue to purchase 9
ammunition and firearms, and to authorize 10
certain children's crisis care facilities to 11
maintain firearms. 12

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

Section 1. That sections 311.42, 2923.12, 2923.122, and 13
2923.126 be amended and section 5103.132 of the Revised Code be 14
enacted to read as follows: 15

Sec. 311.42. (A) Each county shall establish in the county treasury a sheriff's concealed handgun license issuance expense fund. The sheriff of that county shall deposit into that fund all fees paid by applicants for the issuance or renewal of a concealed handgun license or duplicate concealed handgun license under section 2923.125 of the Revised Code and all fees paid by the person seeking a concealed handgun license on a temporary emergency basis under section 2923.1213 of the Revised Code. The county shall distribute all fees deposited into the fund except forty dollars of each fee paid by an applicant under division (B) of section 2923.125 of the Revised Code, fifteen dollars of each fee paid under section 2923.1213 of the Revised Code, and thirty-five dollars of each fee paid under division (F) of section 2923.125 of the Revised Code to the attorney general to be used to pay the cost of background checks performed by the bureau of criminal identification and investigation and the federal bureau of investigation and to cover administrative costs associated with issuing the license.

(B) The sheriff, with the approval of the board of county commissioners, may expend any county portion of the fees deposited into the sheriff's concealed handgun license issuance expense fund for any of the following:

(1) Any costs incurred by the sheriff in connection with performing any administrative functions related to the issuance of concealed handgun licenses under section 2923.125 or 2923.1213 of the Revised Code, including, but not limited to, personnel expenses and any costs associated with a firearm safety education program, or a firearm training or qualification program that the sheriff chooses to fund;

(2) Ammunition and firearms to be used by the sheriff and

the sheriff's employees. 46

Sec. 2923.12. (A) No person shall knowingly carry or have, 47
concealed on the person's person or concealed ready at hand, any 48
of the following: 49

(1) A deadly weapon other than a handgun; 50

(2) A handgun other than a dangerous ordnance; 51

(3) A dangerous ordnance. 52

(B) No person who has been issued a concealed handgun 53
license shall do any of the following: 54

(1) If the person is stopped for a law enforcement purpose 55
and is carrying a concealed handgun, fail to promptly inform any 56
law enforcement officer who approaches the person after the 57
person has been stopped that the person has been issued a 58
concealed handgun license and that the person then is carrying a 59
concealed handgun; 60

(2) If the person is stopped for a law enforcement purpose 61
and is carrying a concealed handgun, knowingly fail to keep the 62
person's hands in plain sight at any time after any law 63
enforcement officer begins approaching the person while stopped 64
and before the law enforcement officer leaves, unless the 65
failure is pursuant to and in accordance with directions given 66
by a law enforcement officer; 67

(3) If the person is stopped for a law enforcement 68
purpose, if the person is carrying a concealed handgun, and if 69
the person is approached by any law enforcement officer while 70
stopped, knowingly remove or attempt to remove the loaded 71
handgun from the holster, pocket, or other place in which the 72
person is carrying it, knowingly grasp or hold the loaded 73

handgun, or knowingly have contact with the loaded handgun by 74
touching it with the person's hands or fingers at any time after 75
the law enforcement officer begins approaching and before the 76
law enforcement officer leaves, unless the person removes, 77
attempts to remove, grasps, holds, or has contact with the 78
loaded handgun pursuant to and in accordance with directions 79
given by the law enforcement officer; 80

(4) If the person is stopped for a law enforcement purpose 81
and is carrying a concealed handgun, knowingly disregard or fail 82
to comply with any lawful order of any law enforcement officer 83
given while the person is stopped, including, but not limited 84
to, a specific order to the person to keep the person's hands in 85
plain sight. 86

(C) (1) This section does not apply to any of the 87
following: 88

(a) An officer, agent, or employee of this or any other 89
state or the United States, or to a law enforcement officer, who 90
is authorized to carry concealed weapons or dangerous ordnance 91
or is authorized to carry handguns and is acting within the 92
scope of the officer's, agent's, or employee's duties; 93

(b) Any person who is employed in this state, who is 94
authorized to carry concealed weapons or dangerous ordnance or 95
is authorized to carry handguns, and who is subject to and in 96
compliance with the requirements of section 109.801 of the 97
Revised Code, unless the appointing authority of the person has 98
expressly specified that the exemption provided in division (C) 99
(1) (b) of this section does not apply to the person; 100

(c) A person's transportation or storage of a firearm, 101
other than a firearm described in divisions (G) to (M) of 102

section 2923.11 of the Revised Code, in a motor vehicle for any 103
lawful purpose if the firearm is not on the actor's person; 104

(d) A person's storage or possession of a firearm, other 105
than a firearm described in divisions (G) to (M) of section 106
2923.11 of the Revised Code, in the actor's own home for any 107
lawful purpose. 108

(2) Division (A) (2) of this section does not apply to any 109
person who, at the time of the alleged carrying or possession of 110
a handgun, is carrying a valid concealed handgun license, unless 111
the person knowingly is in a place described in division (B) of 112
section 2923.126 of the Revised Code. 113

(D) It is an affirmative defense to a charge under 114
division (A) (1) of this section of carrying or having control of 115
a weapon other than a handgun and other than a dangerous 116
ordnance that the actor was not otherwise prohibited by law from 117
having the weapon and that any of the following applies: 118

(1) The weapon was carried or kept ready at hand by the 119
actor for defensive purposes while the actor was engaged in or 120
was going to or from the actor's lawful business or occupation, 121
which business or occupation was of a character or was 122
necessarily carried on in a manner or at a time or place as to 123
render the actor particularly susceptible to criminal attack, 124
such as would justify a prudent person in going armed. 125

(2) The weapon was carried or kept ready at hand by the 126
actor for defensive purposes while the actor was engaged in a 127
lawful activity and had reasonable cause to fear a criminal 128
attack upon the actor, a member of the actor's family, or the 129
actor's home, such as would justify a prudent person in going 130
armed. 131

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

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

(F) (1) Whoever violates this section is guilty of carrying concealed weapons. Except as otherwise provided in this division or division (F) (2) or (3) of this section, carrying concealed weapons in violation of division (A) of this section is a misdemeanor of the first degree. Except as otherwise provided in this division or division (F) (2) or (3) of this section, if the offender previously has been convicted of a violation of this section or of any offense of violence, if the weapon involved is a firearm that is either loaded or for which the offender has ammunition ready at hand, or if the weapon involved is dangerous ordnance, carrying concealed weapons in violation of division (A) of this section is a felony of the fourth degree. Except as otherwise provided in division (F) (2) of this section, if the offense is committed aboard an aircraft, or with purpose to carry a concealed weapon aboard an aircraft, regardless of the weapon involved, carrying concealed weapons in violation of division (A) of this section is a felony of the third degree.

(2) If a person being arrested for a violation of division (A) (2) of this section promptly produces a valid concealed handgun license, and if at the time of the violation the person was not knowingly in a place described in division (B) of section 2923.126 of the Revised Code, the officer shall not arrest the person for a violation of that division. If the person is not able to promptly produce any concealed handgun license and if the person is not in a place described in that

section, the officer may arrest the person for a violation of 162
that division, and the offender shall be punished as follows: 163

(a) The offender shall be guilty of a minor misdemeanor if 164
both of the following apply: 165

(i) Within ten days after the arrest, the offender 166
presents a concealed handgun license, which license was valid at 167
the time of the arrest to the law enforcement agency that 168
employs the arresting officer. 169

(ii) At the time of the arrest, the offender was not 170
knowingly in a place described in division (B) of section 171
2923.126 of the Revised Code. 172

(b) The offender shall be guilty of a misdemeanor and 173
shall be fined five hundred dollars if all of the following 174
apply: 175

(i) The offender previously had been issued a concealed 176
handgun license, and that license expired within the two years 177
immediately preceding the arrest. 178

(ii) Within forty-five days after the arrest, the offender 179
presents a concealed handgun license to the law enforcement 180
agency that employed the arresting officer, and the offender 181
waives in writing the offender's right to a speedy trial on the 182
charge of the violation that is provided in section 2945.71 of 183
the Revised Code. 184

(iii) At the time of the commission of the offense, the 185
offender was not knowingly in a place described in division (B) 186
of section 2923.126 of the Revised Code. 187

(c) If neither division (F) (2) (a) nor (b) of this section 188
applies, the offender shall be punished under division (F) (1) or 189

(3) of this section. 190

(3) If a person being arrested for a violation of division 191
(A) (2) of this section is knowingly in a place described in 192
division (B) (5) of section 2923.126 of the Revised Code and is 193
not authorized to carry a handgun or have a handgun concealed on 194
the person's person or concealed ready at hand under that 195
division, the penalty shall be as follows: 196

(a) Except as otherwise provided in this division, if the 197
person produces a valid concealed handgun license within ten 198
days after the arrest and has not previously been convicted or 199
pleaded guilty to a violation of division (A) (2) of this 200
section, the person is guilty of a minor misdemeanor; 201

(b) Except as otherwise provided in this division, if the 202
person has previously been convicted of or pleaded guilty to a 203
violation of division (A) (2) of this section, the person is 204
guilty of a misdemeanor of the fourth degree; 205

(c) Except as otherwise provided in this division, if the 206
person has previously been convicted of or pleaded guilty to two 207
violations of division (A) (2) of this section, the person is 208
guilty of a misdemeanor of the third degree; 209

(d) Except as otherwise provided in this division, if the 210
person has previously been convicted of or pleaded guilty to 211
three or more violations of division (A) (2) of this section, or 212
convicted of or pleaded guilty to any offense of violence, if 213
the weapon involved is a firearm that is either loaded or for 214
which the offender has ammunition ready at hand, or if the 215
weapon involved is a dangerous ordnance, the person is guilty of 216
a misdemeanor of the second degree. 217

(4) Except as otherwise provided in this division, 218

carrying concealed weapons in violation of division (B) (1) of 219
this section is a misdemeanor of the first degree, and, in 220
addition to any other penalty or sanction imposed for a 221
violation of division (B) (1) of this section, the offender's 222
concealed handgun license shall be suspended pursuant to 223
division (A) (2) of section 2923.128 of the Revised Code. If, at 224
the time of the stop of the offender for a law enforcement 225
purpose that was the basis of the violation, any law enforcement 226
officer involved with the stop had actual knowledge that the 227
offender has been issued a concealed handgun license, carrying 228
concealed weapons in violation of division (B) (1) of this 229
section is a minor misdemeanor, and the offender's concealed 230
handgun license shall not be suspended pursuant to division (A) 231
(2) of section 2923.128 of the Revised Code. 232

~~(4)~~ (5) Carrying concealed weapons in violation of 233
division (B) (2) or (4) of this section is a misdemeanor of the 234
first degree or, if the offender previously has been convicted 235
of or pleaded guilty to a violation of division (B) (2) or (4) of 236
this section, a felony of the fifth degree. In addition to any 237
other penalty or sanction imposed for a misdemeanor violation of 238
division (B) (2) or (4) of this section, the offender's concealed 239
handgun license shall be suspended pursuant to division (A) (2) 240
of section 2923.128 of the Revised Code. 241

~~(5)~~ (6) Carrying concealed weapons in violation of 242
division (B) (3) of this section is a felony of the fifth degree. 243

(G) If a law enforcement officer stops a person to 244
question the person regarding a possible violation of this 245
section, for a traffic stop, or for any other law enforcement 246
purpose, if the person surrenders a firearm to the officer, 247
either voluntarily or pursuant to a request or demand of the 248

officer, and if the officer does not charge the person with a 249
violation of this section or arrest the person for any offense, 250
the person is not otherwise prohibited by law from possessing 251
the firearm, and the firearm is not contraband, the officer 252
shall return the firearm to the person at the termination of the 253
stop. If a court orders a law enforcement officer to return a 254
firearm to a person pursuant to the requirement set forth in 255
this division, division (B) of section 2923.163 of the Revised 256
Code applies. 257

Sec. 2923.122. (A) No person shall knowingly convey, or 258
attempt to convey, a deadly weapon or dangerous ordnance into a 259
school safety zone. 260

(B) No person shall knowingly possess a deadly weapon or 261
dangerous ordnance in a school safety zone. 262

(C) No person shall knowingly possess an object in a 263
school safety zone if both of the following apply: 264

(1) The object is indistinguishable from a firearm, 265
whether or not the object is capable of being fired. 266

(2) The person indicates that the person possesses the 267
object and that it is a firearm, or the person knowingly 268
displays or brandishes the object and indicates that it is a 269
firearm. 270

(D)(1) This section does not apply to any of the 271
following: 272

(a) An officer, agent, or employee of this or any other 273
state or the United States, or a law enforcement officer, who is 274
authorized to carry deadly weapons or dangerous ordnance ~~and is~~ 275
~~acting within the scope of the officer's, agent's, or employee's~~ 276
~~duties~~, a security officer employed by a board of education or 277

governing body of a school during the time that the security 278
officer is on duty pursuant to that contract of employment, or 279
any other person who has written authorization from the board of 280
education or governing body of a school to convey deadly weapons 281
or dangerous ordnance into a school safety zone or to possess a 282
deadly weapon or dangerous ordnance in a school safety zone and 283
who conveys or possesses the deadly weapon or dangerous ordnance 284
in accordance with that authorization; 285

(b) Any person who is employed in this state, who is 286
authorized to carry deadly weapons or dangerous ordnance, and 287
who is subject to and in compliance with the requirements of 288
section 109.801 of the Revised Code, unless the appointing 289
authority of the person has expressly specified that the 290
exemption provided in division (D)(1)(b) of this section does 291
not apply to the person. 292

(2) Division (C) of this section does not apply to 293
premises upon which home schooling is conducted. Division (C) of 294
this section also does not apply to a school administrator, 295
teacher, or employee who possesses an object that is 296
indistinguishable from a firearm for legitimate school purposes 297
during the course of employment, a student who uses an object 298
that is indistinguishable from a firearm under the direction of 299
a school administrator, teacher, or employee, or any other 300
person who with the express prior approval of a school 301
administrator possesses an object that is indistinguishable from 302
a firearm for a legitimate purpose, including the use of the 303
object in a ceremonial activity, a play, reenactment, or other 304
dramatic presentation, school safety training, or a ROTC 305
activity or another similar use of the object. 306

(3) This section does not apply to a person who conveys or 307

attempts to convey a handgun into, or possesses a handgun in, a school safety zone if, at the time of that conveyance, attempted conveyance, or possession of the handgun, all of the following apply:

(a) The person does not enter into a school building or onto school premises and is not at a school activity.

(b) The person is carrying a valid concealed handgun license.

(c) The person is in the school safety zone in accordance with 18 U.S.C. 922(q)(2)(B).

(d) The person is not knowingly in a place described in division (B)(1) or (B)(3) to ~~(10)~~(8) of section 2923.126 of the Revised Code.

(4) This section does not apply to a person who conveys or attempts to convey a handgun into, or possesses a handgun in, a school safety zone if at the time of that conveyance, attempted conveyance, or possession of the handgun all of the following apply:

(a) The person is carrying a valid concealed handgun license.

~~(b) The person is the driver or passenger leaves the handgun in a motor vehicle and is in the school safety zone while immediately in the process of picking up or dropping off a child.~~

~~(c) The person is not in violation of section 2923.16 of the Revised Code handgun does not leave the motor vehicle.~~

(d) If the person exits the motor vehicle, the person locks the motor vehicle.

(E) (1) Whoever violates division (A) or (B) of this section is guilty of illegal conveyance or possession of a deadly weapon or dangerous ordnance in a school safety zone. Except as otherwise provided in this division, illegal conveyance or possession of a deadly weapon or dangerous ordnance in a school safety zone is a felony of the fifth degree. If the offender previously has been convicted of a violation of this section, illegal conveyance or possession of a deadly weapon or dangerous ordnance in a school safety zone is a felony of the fourth degree.

(2) Whoever violates division (C) of this section is guilty of illegal possession of an object indistinguishable from a firearm in a school safety zone. Except as otherwise provided in this division, illegal possession of an object indistinguishable from a firearm in a school safety zone is a misdemeanor of the first degree. If the offender previously has been convicted of a violation of this section, illegal possession of an object indistinguishable from a firearm in a school safety zone is a felony of the fifth degree.

(F) (1) In addition to any other penalty imposed upon a person who is convicted of or pleads guilty to a violation of this section and subject to division (F) (2) of this section, if the offender has not attained nineteen years of age, regardless of whether the offender is attending or is enrolled in a school operated by a board of education or for which the state board of education prescribes minimum standards under section 3301.07 of the Revised Code, the court shall impose upon the offender a class four suspension of the offender's probationary driver's license, restricted license, driver's license, commercial driver's license, temporary instruction permit, or probationary commercial driver's license that then is in effect from the

range specified in division (A)(4) of section 4510.02 of the Revised Code and shall deny the offender the issuance of any permit or license of that type during the period of the suspension.

If the offender is not a resident of this state, the court shall impose a class four suspension of the nonresident operating privilege of the offender from the range specified in division (A)(4) of section 4510.02 of the Revised Code.

(2) If the offender shows good cause why the court should not suspend one of the types of licenses, permits, or privileges specified in division (F)(1) of this section or deny the issuance of one of the temporary instruction permits specified in that division, the court in its discretion may choose not to impose the suspension, revocation, or denial required in that division, but the court, in its discretion, instead may require the offender to perform community service for a number of hours determined by the court.

(G) As used in this section, "object that is indistinguishable from a firearm" means an object made, constructed, or altered so that, to a reasonable person without specialized training in firearms, the object appears to be a firearm.

Sec. 2923.126. (A) A concealed handgun license that is issued under section 2923.125 of the Revised Code shall expire five years after the date of issuance. A licensee who has been issued a license under that section shall be granted a grace period of thirty days after the licensee's license expires during which the licensee's license remains valid. Except as provided in divisions (B) and (C) of this section, a licensee who has been issued a concealed handgun license under section

2923.125 or 2923.1213 of the Revised Code may carry a concealed 397
handgun anywhere in this state if the licensee also carries a 398
valid license and valid identification when the licensee is in 399
actual possession of a concealed handgun. The licensee shall 400
give notice of any change in the licensee's residence address to 401
the sheriff who issued the license within forty-five days after 402
that change. 403

If a licensee is the driver or an occupant of a motor 404
vehicle that is stopped as the result of a traffic stop or a 405
stop for another law enforcement purpose and if the licensee is 406
transporting or has a loaded handgun in the motor vehicle at 407
that time, the licensee shall promptly inform any law 408
enforcement officer who approaches the vehicle while stopped 409
that the licensee has been issued a concealed handgun license 410
and that the licensee currently possesses or has a loaded 411
handgun; the licensee shall not knowingly disregard or fail to 412
comply with lawful orders of a law enforcement officer given 413
while the motor vehicle is stopped, knowingly fail to remain in 414
the motor vehicle while stopped, or knowingly fail to keep the 415
licensee's hands in plain sight after any law enforcement 416
officer begins approaching the licensee while stopped and before 417
the officer leaves, unless directed otherwise by a law 418
enforcement officer; and the licensee shall not knowingly have 419
contact with the loaded handgun by touching it with the 420
licensee's hands or fingers, in any manner in violation of 421
division (E) of section 2923.16 of the Revised Code, after any 422
law enforcement officer begins approaching the licensee while 423
stopped and before the officer leaves. Additionally, if a 424
licensee is the driver or an occupant of a commercial motor 425
vehicle that is stopped by an employee of the motor carrier 426
enforcement unit for the purposes defined in section 5503.04 of 427

the Revised Code and if the licensee is transporting or has a 428
loaded handgun in the commercial motor vehicle at that time, the 429
licensee shall promptly inform the employee of the unit who 430
approaches the vehicle while stopped that the licensee has been 431
issued a concealed handgun license and that the licensee 432
currently possesses or has a loaded handgun. 433

If a licensee is stopped for a law enforcement purpose and 434
if the licensee is carrying a concealed handgun at the time the 435
officer approaches, the licensee shall promptly inform any law 436
enforcement officer who approaches the licensee while stopped 437
that the licensee has been issued a concealed handgun license 438
and that the licensee currently is carrying a concealed handgun; 439
the licensee shall not knowingly disregard or fail to comply 440
with lawful orders of a law enforcement officer given while the 441
licensee is stopped or knowingly fail to keep the licensee's 442
hands in plain sight after any law enforcement officer begins 443
approaching the licensee while stopped and before the officer 444
leaves, unless directed otherwise by a law enforcement officer; 445
and the licensee shall not knowingly remove, attempt to remove, 446
grasp, or hold the loaded handgun or knowingly have contact with 447
the loaded handgun by touching it with the licensee's hands or 448
fingers, in any manner in violation of division (B) of section 449
2923.12 of the Revised Code, after any law enforcement officer 450
begins approaching the licensee while stopped and before the 451
officer leaves. 452

(B) A valid concealed handgun license does not authorize 453
the licensee to carry a concealed handgun in any manner 454
prohibited under division (B) of section 2923.12 of the Revised 455
Code or in any manner prohibited under section 2923.16 of the 456
Revised Code. A valid license does not authorize the licensee to 457
carry a concealed handgun into any of the following places: 458

(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, 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; 489

(6) Any church, synagogue, mosque, or other place of 490
worship, unless the church, synagogue, mosque, or other place of 491
worship posts or permits otherwise; 492

~~(7) A child day care center, a type A family day care 493
home, or a type B family day care home, except that this 494
division does not prohibit a licensee who resides in a type A- 495
family day care home or a type B family day care home from 496
carrying a concealed handgun at any time in any part of the home- 497
that is not dedicated or used for day care purposes, or from 498
carrying a concealed handgun in a part of the home that is- 499
dedicated or used for day care purposes at any time during which 500
no children, other than children of that licensee, are in the- 501
home; 502~~

~~(8) An aircraft that is in, or intended for operation in, 503
foreign air transportation, interstate air transportation, 504
intrastate air transportation, or the transportation of mail by- 505
aircraft; 506~~

~~(9) Any building that is a government facility of this 507
state or a political subdivision of this state and that is not a 508
building that is used primarily as a shelter, restroom, parking- 509
facility for motor vehicles, or rest facility and is not a 510
courthouse or other building or structure in which a courtroom- 511
is located that is subject to division (B)(3) of this section to 512
which, during the building's normal hours of operation, access 513
is restricted at the main point of entry by the continuous 514
posting of security personnel and the use of security screening 515
measures; 516~~

~~(10)-(8) A place in which federal law prohibits the 517~~

carrying of handguns. 518

(C) (1) Nothing in this section shall negate or restrict a 519
rule, policy, or practice of a private employer that is not a 520
private college, university, or other institution of higher 521
education concerning or prohibiting the presence of firearms on 522
the private employer's premises or property, including motor 523
vehicles owned by the private employer. Nothing in this section 524
shall require a private employer of that nature to adopt a rule, 525
policy, or practice concerning or prohibiting the presence of 526
firearms on the private employer's premises or property, 527
including motor vehicles owned by the private employer. 528

(2) (a) A private employer shall be immune from liability 529
in a civil action for any injury, death, or loss to person or 530
property that allegedly was caused by or related to a licensee 531
bringing a handgun onto the premises or property of the private 532
employer, including motor vehicles owned by the private 533
employer, unless the private employer acted with malicious 534
purpose. A private employer is immune from liability in a civil 535
action for any injury, death, or loss to person or property that 536
allegedly was caused by or related to the private employer's 537
decision to permit a licensee to bring, or prohibit a licensee 538
from bringing, a handgun onto the premises or property of the 539
private employer. ~~As used in this division, "private employer"~~ 540
~~includes a private college, university, or other institution of~~ 541
~~higher education.~~ 542

(b) A political subdivision shall be immune from liability 543
in a civil action, to the extent and in the manner provided in 544
Chapter 2744. of the Revised Code, for any injury, death, or 545
loss to person or property that allegedly was caused by or 546
related to a licensee bringing a handgun onto any premises or 547

property owned, leased, or otherwise under the control of the 548
political subdivision. As used in this division, "political 549
subdivision" has the same meaning as in section 2744.01 of the 550
Revised Code. 551

(c) An institution of higher education shall be immune 552
from liability in a civil action for any injury, death, or loss 553
to person or property that allegedly was caused by or related to 554
a licensee bringing a handgun onto the premises of the 555
institution, including motor vehicles owned by the institution, 556
unless the institution acted with malicious purpose. An 557
institution of higher education is immune from liability in a 558
civil action for any injury, death, or loss to person or 559
property that allegedly was caused by or related to the 560
institution's decision to permit a licensee or class of 561
licensees to bring a handgun onto the premises of the 562
institution. 563

(3) (a) Except as provided in division (C) (3) (b) of this 564
section, the owner or person in control of private land or 565
premises, and a private person or entity leasing land or 566
premises owned by the state, the United States, or a political 567
subdivision of the state or the United States, may post a sign 568
in a conspicuous location on that land or on those premises 569
prohibiting persons from carrying firearms or concealed firearms 570
on or onto that land or those premises. Except as otherwise 571
provided in this division, a person who knowingly violates a 572
posted prohibition of that nature is guilty of criminal trespass 573
in violation of division (A) (4) of section 2911.21 of the 574
Revised Code and is guilty of a misdemeanor of the fourth 575
degree. If a person knowingly violates a posted prohibition of 576
that nature and the posted land or premises primarily was a 577
parking lot or other parking facility, the person is not guilty 578

of criminal trespass in violation of division (A) (4) of section 579
2911.21 of the Revised Code and instead is subject only to a 580
civil cause of action for trespass based on the violation. 581

If a person knowingly violates a posted prohibition of the 582
nature described in this division and the posted land or 583
premises is a child day-care center, type A family day-care 584
home, or type B family day-care home, unless the person is a 585
licensee who resides in a type A family day-care home or type B 586
family day-care home, the person is guilty of aggravated 587
trespass in violation of section 2911.211 of the Revised Code. 588
Except as otherwise provided in this division, the offender is 589
guilty of a misdemeanor of the first degree. If the person 590
previously has been convicted of a violation of this division or 591
of any offense of violence, if the weapon involved is a firearm 592
that is either loaded or for which the offender has ammunition 593
ready at hand, or if the weapon involved is dangerous ordnance, 594
the offender is guilty of a felony of the fourth degree. 595

(b) A landlord may not prohibit or restrict a tenant who 596
is a licensee and who on or after September 9, 2008, enters into 597
a rental agreement with the landlord for the use of residential 598
premises, and the tenant's guest while the tenant is present, 599
from lawfully carrying or possessing a handgun on those 600
residential premises. 601

(c) As used in division (C) (3) of this section: 602

(i) "Residential premises" has the same meaning as in 603
section 5321.01 of the Revised Code, except "residential 604
premises" does not include a dwelling unit that is owned or 605
operated by a college or university. 606

(ii) "Landlord," "tenant," and "rental agreement" have the 607

same meanings as in section 5321.01 of the Revised Code. 608

(D) A person who holds a concealed handgun license issued 609
by another state that is recognized by the attorney general 610
pursuant to a reciprocity agreement entered into pursuant to 611
section 109.69 of the Revised Code has the same right to carry a 612
concealed handgun in this state as a person who was issued a 613
concealed handgun license under section 2923.125 of the Revised 614
Code and is subject to the same restrictions that apply to a 615
person who carries a license issued under that section. 616

(E) A peace officer has the same right to carry a 617
concealed handgun in this state as a person who was issued a 618
concealed handgun license under section 2923.125 of the Revised 619
Code. For purposes of reciprocity with other states, a peace 620
officer shall be considered to be a licensee in this state. 621

(F) (1) A qualified retired peace officer who possesses a 622
retired peace officer identification card issued pursuant to 623
division (F) (2) of this section and a valid firearms 624
requalification certification issued pursuant to division (F) (3) 625
of this section has the same right to carry a concealed handgun 626
in this state as a person who was issued a concealed handgun 627
license under section 2923.125 of the Revised Code and is 628
subject to the same restrictions that apply to a person who 629
carries a license issued under that section. For purposes of 630
reciprocity with other states, a qualified retired peace officer 631
who possesses a retired peace officer identification card issued 632
pursuant to division (F) (2) of this section and a valid firearms 633
requalification certification issued pursuant to division (F) (3) 634
of this section shall be considered to be a licensee in this 635
state. 636

(2) (a) Each public agency of this state or of a political 637

subdivision of this state that is served by one or more peace officers shall issue a retired peace officer identification card to any person who retired from service as a peace officer with that agency, if the issuance is in accordance with the agency's policies and procedures and if the person, with respect to the person's service with that agency, satisfies all of the following:

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

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

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

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

(b) A retired peace officer identification card issued to a person under division (F)(2)(a) of this section shall identify the person by name, contain a photograph of the person, identify

the public agency of this state or of the political subdivision 667
of this state from which the person retired as a peace officer 668
and that is issuing the identification card, and specify that 669
the person retired in good standing from service as a peace 670
officer with the issuing public agency and satisfies the 671
criteria set forth in divisions (F) (2) (a) (i) to (iv) of this 672
section. In addition to the required content specified in this 673
division, a retired peace officer identification card issued to 674
a person under division (F) (2) (a) of this section may include 675
the firearms requalification certification described in division 676
(F) (3) of this section, and if the identification card includes 677
that certification, the identification card shall serve as the 678
firearms requalification certification for the retired peace 679
officer. If the issuing public agency issues credentials to 680
active law enforcement officers who serve the agency, the agency 681
may comply with division (F) (2) (a) of this section by issuing 682
the same credentials to persons who retired from service as a 683
peace officer with the agency and who satisfy the criteria set 684
forth in divisions (F) (2) (a) (i) to (iv) of this section, 685
provided that the credentials so issued to retired peace 686
officers are stamped with the word "RETIRED." 687

(c) A public agency of this state or of a political 688
subdivision of this state may charge persons who retired from 689
service as a peace officer with the agency a reasonable fee for 690
issuing to the person a retired peace officer identification 691
card pursuant to division (F) (2) (a) of this section. 692

(3) If a person retired from service as a peace officer 693
with a public agency of this state or of a political subdivision 694
of this state and the person satisfies the criteria set forth in 695
divisions (F) (2) (a) (i) to (iv) of this section, the public 696
agency may provide the retired peace officer with the 697

opportunity to attend a firearms requalification program that is 698
approved for purposes of firearms requalification required under 699
section 109.801 of the Revised Code. The retired peace officer 700
may be required to pay the cost of the course. 701

If a retired peace officer who satisfies the criteria set 702
forth in divisions (F) (2) (a) (i) to (iv) of this section attends 703
a firearms requalification program that is approved for purposes 704
of firearms requalification required under section 109.801 of 705
the Revised Code, the retired peace officer's successful 706
completion of the firearms requalification program requalifies 707
the retired peace officer for purposes of division (F) of this 708
section for five years from the date on which the program was 709
successfully completed, and the requalification is valid during 710
that five-year period. If a retired peace officer who satisfies 711
the criteria set forth in divisions (F) (2) (a) (i) to (iv) of this 712
section satisfactorily completes such a firearms requalification 713
program, the retired peace officer shall be issued a firearms 714
requalification certification that identifies the retired peace 715
officer by name, identifies the entity that taught the program, 716
specifies that the retired peace officer successfully completed 717
the program, specifies the date on which the course was 718
successfully completed, and specifies that the requalification 719
is valid for five years from that date of successful completion. 720
The firearms requalification certification for a retired peace 721
officer may be included in the retired peace officer 722
identification card issued to the retired peace officer under 723
division (F) (2) of this section. 724

A retired peace officer who attends a firearms 725
requalification program that is approved for purposes of 726
firearms requalification required under section 109.801 of the 727
Revised Code may be required to pay the cost of the program. 728

(G) As used in this section:	729
(1) "Qualified retired peace officer" means a person who satisfies all of the following:	730 731
(a) The person satisfies the criteria set forth in divisions (F) (2) (a) (i) to (v) of this section.	732 733
(b) The person is not under the influence of alcohol or another intoxicating or hallucinatory drug or substance.	734 735
(c) The person is not prohibited by federal law from receiving firearms.	736 737
(2) "Retired peace officer identification card" means an identification card that is issued pursuant to division (F) (2) of this section to a person who is a retired peace officer.	738 739 740
(3) "Government facility of this state or a political subdivision of this state" means any of the following:	741 742
(a) A building or part of a building that is owned or leased by the government of this state or a political subdivision of this state and where employees of the government of this state or the political subdivision regularly are present for the purpose of performing their official duties as employees of the state or political subdivision;	743 744 745 746 747 748
(b) The office of a deputy registrar serving pursuant to Chapter 4503. of the Revised Code that is used to perform deputy registrar functions.	749 750 751
<u>(4) "Governing body" has the same meaning as in section 154.01 of the Revised Code.</u>	752 753
<u>Sec. 5103.132. (A) As used in this section, "firearm" has the same meaning as in section 2923.11 of the Revised Code.</u>	754 755

(B) A children's crisis care facility that has as its 756
primary purpose the provision of residential and other care to 757
infants who are born drug exposed and that regularly maintains 758
on its premises schedule II controlled substances, as defined in 759
section 3719.01 of the Revised Code, may do both of the 760
following: 761

(1) Maintain firearms at the facility; 762

(2) Permit security personnel to bear firearms while on 763
the grounds of the facility. 764

Section 2. That existing sections 311.42, 2923.12, 765
2923.122, and 2923.126 of the Revised Code are hereby repealed. 766

Section 3. Section 2923.122 of the Revised Code is 767
presented in this act as a composite of the section as amended 768
by both Am. Sub. H.B. 495 and Am. Sub. S.B. 337 of the 129th 769
General Assembly. The General Assembly, applying the principle 770
stated in division (B) of section 1.52 of the Revised Code that 771
amendments are to be harmonized if reasonably capable of 772
simultaneous operation, finds that the composite is the 773
resulting version of the section in effect prior to the 774
effective date of the section as presented in this act. 775