

As Introduced

132nd General Assembly

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H. B. No. 228

Representatives Johnson, LaTourette

Cosponsors: Representatives Conditt, Schuring, Pelanda, Patton, McColley, Antani, Becker, Brenner, Brinkman, Carfagna, Dean, Duffey, Ginter, Goodman, Green, Henne, Hill, Hood, Householder, Huffman, Keller, Koehler, Lipps, Merrin, Riedel, Roegner, Romanchuk, Schaffer, Slaby, Smith, R., Sprague, Stein, Thompson, Vitale, Wiggam

A BILL

To amend sections 307.932, 2307.601, 2901.05,	1
2901.09, 2923.12, 2923.126, 2923.16, and 2953.37	2
and to repeal section 2923.1212 of the Revised	3
Code to assign to the prosecution the burden of	4
disproving a self-defense or related claim, to	5
expand the locations at which a person has no	6
duty to retreat before using force under both	7
civil and criminal law, and to modify the	8
Concealed Handgun Licensing Law regarding a	9
licensee's duty to keep the licensee's hands in	10
plain sight, the penalties for illegally	11
carrying a concealed firearm or improperly	12
handling firearms in a motor vehicle, and the	13
posting of warning signs regarding the	14
possession of weapons on specified premises.	15

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

Section 1. That sections 307.932, 2307.601, 2901.05, 16

2901.09, 2923.12, 2923.126, 2923.16, and 2953.37 of the Revised 17
Code be amended to read as follows: 18

Sec. 307.932. (A) As used in this section: 19

(1) "Division of parole and community services" means the 20
division of parole and community services of the department of 21
rehabilitation and correction. 22

(2) "Eligible offender" means, in relation to a particular 23
community alternative sentencing center or district community 24
alternative sentencing center established and operated under 25
this section, an offender who has been convicted of or pleaded 26
guilty to a qualifying misdemeanor offense, for whom no 27
provision of the Revised Code or ordinance of a municipal 28
corporation other than section 4511.19 of the Revised Code, both 29
sections 4510.14 and 4511.19 of the Revised Code, or an 30
ordinance or ordinances of a municipal corporation that provide 31
the penalties for a municipal OVI offense or for both a 32
municipal OVI ordinance and a municipal DUS ordinance of the 33
municipal corporation requires the imposition of a mandatory 34
jail term for that qualifying misdemeanor offense, and who is 35
eligible to be sentenced directly to that center and admitted to 36
it under rules adopted under division (G) of this section by the 37
board of county commissioners, affiliated group of boards of 38
county commissioners, or municipal corporation that established 39
and operates that center. 40

(3) "Municipal OVI offense" has the same meaning as in 41
section 4511.181 of the Revised Code. 42

(4) "OVI term of confinement" means a term of confinement 43
imposed for a violation of section 4511.19 of the Revised Code 44
or for a municipal OVI offense, including any mandatory jail 45

term or mandatory term of local incarceration imposed for that 46
violation or offense. 47

(5) "Community residential sanction" means a community 48
residential sanction imposed under section 2929.26 of the 49
Revised Code for a misdemeanor violation of a section of the 50
Revised Code or a term of confinement imposed for a misdemeanor 51
violation of a municipal ordinance that is not a jail term. 52

(6) "Qualifying misdemeanor offense" means a violation of 53
any section of the Revised Code that is a misdemeanor or a 54
violation of any ordinance of a municipal corporation located in 55
the county that is a misdemeanor. 56

(7) "Municipal DUS offense" means a violation of a 57
municipal ordinance that is substantially equivalent to section 58
4510.14 of the Revised Code. 59

(B) (1) The board of county commissioners of any county, in 60
consultation with the sheriff of the county, may establish a 61
community alternative sentencing center that, upon 62
implementation by the county or being subcontracted to or 63
operated by a nonprofit organization, shall be used for the 64
confinement of eligible offenders sentenced directly to the 65
center by a court located in any county pursuant to a community 66
residential sanction of not more than ninety days or pursuant to 67
an OVI term of confinement of not more than ninety days, and for 68
the purpose of closely monitoring those eligible offenders' 69
adjustment to community supervision. A board that establishes a 70
center pursuant to this division shall do so by resolution. 71

(2) The boards of county commissioners of two or more 72
adjoining or neighboring counties, in consultation with the 73
sheriffs of each of those counties, may affiliate and establish 74

by resolution adopted by each of them a district community 75
alternative sentencing center that, upon implementation by the 76
counties or being subcontracted to or operated by a nonprofit 77
organization, shall be used for the confinement of eligible 78
offenders sentenced directly to the center by a court located in 79
any county pursuant to a community residential sanction of not 80
more than ninety days or pursuant to an OVI term of confinement 81
of not more than ninety days, and for the purpose of closely 82
monitoring those eligible offenders' adjustment to community 83
supervision. Each board that affiliates with one or more other 84
boards to establish a center pursuant to this division shall do 85
so by resolution. 86

(3) A municipal corporation may establish a community 87
alternative sentencing center that, upon implementation by the 88
municipal corporation or being subcontracted to or operated by a 89
nonprofit organization, shall be used for the confinement of 90
eligible offenders sentenced directly to the center by a court 91
located in any county pursuant to a community residential 92
sanction of not more than ninety days or pursuant to an OVI term 93
of confinement of not more than ninety days, and for the purpose 94
of closely monitoring those eligible offenders' adjustment to 95
community supervision. A municipal corporation that establishes 96
a center pursuant to this division shall do so by resolution. 97

(C) Each resolution establishing a community alternative 98
sentencing center or a district community alternative sentencing 99
center under division (B) of this section shall include 100
provisions for operation of the center and for criteria to 101
define which offenders are eligible to be sentenced directly to 102
the center and admitted to it. At a minimum, the criteria that 103
define which offenders are eligible to be sentenced directly to 104
the center and admitted to it shall provide that an offender is 105

eligible to be sentenced directly to the center and admitted to 106
it if the offender has been convicted of or pleaded guilty to a 107
qualifying misdemeanor offense and is sentenced directly to the 108
center for the qualifying misdemeanor offense pursuant to a 109
community residential sanction of not more than ninety days or 110
pursuant to an OVI term of confinement of not more than ninety 111
days by a court that is located in any county. 112

(D) If a community alternative sentencing center or a 113
district community alternative sentencing center that is 114
established under division (B) of this section contemplates the 115
use of an existing facility, or a part of an existing facility, 116
as the center, nothing in this section limits, restricts, or 117
precludes the use of the facility, the part of the facility, or 118
any other part of the facility for any purpose other than as a 119
community alternative sentencing center or district community 120
alternative sentencing center. 121

(E) If a board of county commissioners, an affiliated 122
group of boards of county commissioners, or municipal 123
corporation establishes and operates or subcontracts with a 124
nonprofit organization for the operation of a community 125
alternative sentencing center or district community alternative 126
sentencing center under this division, except as otherwise 127
provided in this division, the center is not a minimum security 128
jail under section 341.14, section 753.21, or any other 129
provision of the Revised Code, is not a jail or alternative 130
residential facility as defined in section 2929.01 of the 131
Revised Code, is not required to satisfy or comply with minimum 132
standards for minimum security jails or other jails that are 133
promulgated under division (A) of section 5120.10 of the Revised 134
Code, is not a local detention facility as defined in section 135
2929.36 of the Revised Code, and is not a residential unit as 136

defined in section 2950.01 of the Revised Code. The center is a 137
detention facility as defined in sections 2921.01 and 2923.124 138
of the Revised Code, and an eligible offender confined in the 139
center is under detention as defined in section 2921.01 of the 140
Revised Code. Regarding persons sentenced directly to the center 141
under an OVI term of confinement or under both an OVI term of 142
confinement and confinement for a violation of section 4510.14 143
of the Revised Code or a municipal DUS offense, the center shall 144
be considered a "jail" or "local correctional facility" for 145
purposes of any provision in section 4510.14 or 4511.19 of the 146
Revised Code or in an ordinance of a municipal corporation that 147
requires a mandatory jail term or mandatory term of local 148
incarceration for the violation of section 4511.19 of the 149
Revised Code, the violation of both ~~section~~ sections 4510.14 and 150
4511.19 of the Revised Code, the municipal OVI offense, or the 151
municipal OVI offense and the municipal DUS offense, and a 152
direct sentence of a person to the center under an OVI term of 153
confinement or under both an OVI term of confinement and 154
confinement for a violation of section 4510.14 of the Revised 155
Code or a municipal DUS offense shall be considered to be a 156
sentence to a "jail" or "local correctional facility" for 157
purposes of any such provision in section 4510.14 or 4511.19 of 158
the Revised Code or in an ordinance of a municipal corporation. 159

(F) (1) If the board of county commissioners of a county 160
that is being served by a community alternative sentencing 161
center established pursuant to this section determines that it 162
no longer wants to be served by the center, the board may 163
dissolve the center by adopting a resolution evidencing the 164
determination to dissolve the center. 165

(2) If the boards of county commissioners of all of the 166
counties served by any district community alternative sentencing 167

center established pursuant to this section determine that they 168
no longer want to be served by the center, the boards may 169
dissolve the center by adopting in each county a resolution 170
evidencing the determination to dissolve the center. 171

(3) If at least one, but not all, of the boards of county 172
commissioners of the counties being served by any district 173
community alternative sentencing center established pursuant to 174
this section determines that it no longer wants to be served by 175
the center, the board may terminate its involvement with the 176
center by adopting a resolution evidencing the determination to 177
terminate its involvement with the center. If at least one, but 178
not all, of the boards of county commissioners of the counties 179
being served by any community alternative sentencing center 180
terminates its involvement with the center in accordance with 181
this division, the other boards of county commissioners of the 182
counties being served by the center may continue to be served by 183
the center. 184

(4) If a municipal corporation that is being served by a 185
community alternative sentencing center established pursuant to 186
this section determines that it no longer wants to be served by 187
the center, the municipal corporation may dissolve the center by 188
adopting a resolution evidencing the determination to dissolve 189
the center. 190

(G) Prior to operating a community alternative sentencing 191
center or a district community alternative sentencing center, 192
the board of county commissioners, the affiliated group of 193
boards of county commissioners, or municipal corporation that 194
established the center shall adopt rules for the operation of 195
the center. The rules shall include criteria that define which 196
offenders are eligible to be sentenced directly to the center 197

and admitted to it. 198

(H) If a board of county commissioners operates or 199
subcontracts with a nonprofit organization for the operation of 200
a community alternative sentencing center, an affiliated group 201
of boards of county commissioners operates or subcontracts with 202
a nonprofit organization for the operation of a district 203
community alternative sentencing center, or a municipal 204
corporation operates or subcontracts with a nonprofit 205
organization for the operation of a community alternative 206
sentencing center under this section, all of the following 207
apply: 208

(1) With the approval of the operator of the center, a 209
court located within any county may directly sentence eligible 210
offenders to a community alternative sentencing center or 211
district community alternative sentencing center pursuant to a 212
community residential sanction of not more than ninety days or 213
pursuant to an OVI term of confinement, a combination of an OVI 214
term of confinement and confinement for a violation of section 215
4510.14 of the Revised Code, or confinement for a municipal DUS 216
offense of not more than ninety days. 217

(2) Each eligible offender who is sentenced to the center 218
as described in division (H)(1) of this section and admitted to 219
it shall be offered during the eligible offender's confinement 220
at the center educational and vocational services and reentry 221
planning and may be offered any other treatment and 222
rehabilitative services that are available and that the court 223
that sentenced the particular eligible offender to the center 224
and the administrator of the center determine are appropriate 225
based upon the offense for which the eligible offender was 226
sentenced to the community residential sanction and the length 227

of the sanction. 228

(3) Before accepting an eligible offender sentenced to the 229
center by a court, the board, the affiliated group of boards, or 230
the municipal corporation shall enter into an agreement with a 231
political subdivision that operates that court that addresses 232
the cost and payment of medical treatment or services received 233
by eligible offenders sentenced by that court while they are 234
confined in the center. The agreement may provide for the 235
payment of the costs by the particular eligible offender who 236
receives the treatment or services, as described in division (I) 237
of this section. 238

(4) If an eligible offender a court sentences to the 239
center is admitted to the center, all of the following apply: 240

(a) The admission shall be under the terms and conditions 241
established by the court and the administrator of the center, 242
and the court and the administrator of the center shall provide 243
for the confinement of the eligible offender and supervise the 244
eligible offender as provided in divisions (H) (4) (b) to (f) of 245
this section. 246

(b) The eligible offender shall be confined in the center 247
during any period of time that the eligible offender is not 248
actually working at the eligible offender's approved work 249
release described in division (H) (4) (c) of this section, engaged 250
in community service activities described in division (H) (4) (d) 251
of this section, engaged in authorized vocational training or 252
another authorized educational program, engaged in another 253
program designated by the administrator of the center, or 254
engaged in other activities approved by the court and the 255
administrator of the center. 256

(c) If the court and the administrator of the center 257
determine that work release is appropriate based upon the 258
offense for which the eligible offender was sentenced to the 259
community residential sanction or OVI term of confinement and 260
the length of the sanction or term, the eligible offender may be 261
offered work release from confinement at the center and be 262
released from confinement while engaged in the work release. 263

(d) An eligible offender may not participate in community 264
service without the court's approval. If the administrator of 265
the center determines that community service is appropriate and 266
if the eligible offender will be confined for more than ten days 267
at the center, the eligible offender may be required to 268
participate in community service activities approved by the 269
court and by the political subdivision served by the court. 270
Community service activities that may be required under this 271
division may take place in facilities of the political 272
subdivision that operates the court, in the community, or in 273
both such locales. The eligible offender shall be released from 274
confinement while engaged in the community service activities. 275
Community service activities required under this division shall 276
be supervised by the court or an official designated by the 277
board of county commissioners or affiliated group of boards of 278
county commissioners that established and is operating the 279
center. Community service activities required under this 280
division shall not exceed in duration the period for which the 281
eligible offender will be confined at the center under the 282
community residential sanction or the OVI term of confinement. 283

(e) The confinement of the eligible offender in the center 284
shall be considered for purposes of this division and division 285
(H) (4) (f) of this section as including any period of time 286
described in division (H) (4) (b) of this section when the 287

eligible offender may be outside of the center and shall 288
continue until the expiration of the community residential 289
sanction, the OVI term of confinement, or the combination of the 290
OVI term of confinement and the confinement for the violation of 291
section 4510.14 of the Revised Code or the municipal DUS 292
ordinance that the eligible offender is serving upon admission 293
to the center. 294

(f) After the admission and until the expiration of the 295
community residential sanction or OVI term of confinement that 296
the eligible offender is serving upon admission to the center, 297
the eligible offender shall be considered for purposes of any 298
provision in Title XXIX of the Revised Code to be serving the 299
community residential sanction or OVI term of confinement. 300

~~(5) The administrator of the center, or the 301
administrator's designee, shall post a sign as described in 302
division (A) (4) of section 2923.1212 of the Revised Code in a 303
conspicuous location at the center. 304~~

(I) The board of county commissioners that establishes a 305
community alternative sentencing center under this section, the 306
affiliated group of boards of county commissioners that 307
establishes a district community alternative sentencing center 308
under this section, or the municipal corporation that 309
establishes a community alternative sentencing center under this 310
section, may require an eligible offender who is sentenced 311
directly to the center and admitted to it to pay to the county 312
served by the board, the counties served by the affiliated group 313
of boards, the municipal corporation, or the entity operating 314
the center the reasonable expenses incurred by the county, 315
counties, municipal corporation, or entity, whichever is 316
applicable, in supervising or confining the eligible offender 317

after being sentenced to the center and admitted. Inability to 318
pay those reasonable expenses shall not be grounds for refusing 319
to admit an otherwise eligible offender to the center. 320

(J)(1) If an eligible offender who is directly sentenced 321
to a community alternative sentencing center or district 322
community alternative sentencing center and admitted to the 323
center successfully completes the service of the community 324
residential sanction in the center, the administrator of the 325
center shall notify the court that imposed the sentence, and the 326
court shall enter into the journal that the eligible offender 327
successfully completed the service of the sanction. 328

(2) If an eligible offender who is directly sentenced to a 329
community alternative sentencing center or district community 330
alternative sentencing center and admitted to the center 331
violates any rule established under this section by the board of 332
county commissioners or the affiliated group of boards of county 333
commissioners that establishes the center, violates any 334
condition of the community residential sanction, the OVI term of 335
confinement, or the combination of the OVI term of confinement 336
and the confinement for the violation of section 4510.14 of the 337
Revised Code or the municipal OVI ordinance imposed by the 338
sentencing court, or otherwise does not successfully complete 339
the service of the community residential sanction or OVI term of 340
confinement in the center, the administrator of the center shall 341
report the violation or failure to successfully complete the 342
sanction or term directly to the court or to the probation 343
department or probation officer with general control and 344
supervision over the eligible offender. A failure to 345
successfully complete the service of the community residential 346
sanction, the OVI term of confinement, or the combination of the 347
OVI term of confinement and the confinement for the violation of 348

section 4510.14 of the Revised Code or the municipal OVI 349
ordinance in the center shall be considered a violation of a 350
condition of the community residential sanction or the OVI term 351
of confinement. If the administrator reports the violation to 352
the probation department or probation officer, the department or 353
officer shall report the violation to the court. Upon its 354
receipt under this division of a report of a violation or 355
failure to complete the sanction by a person sentenced to the 356
center under a community residential sanction, the court may 357
proceed as specified in division (C)(2) of section 2929.25 of 358
the Revised Code based on the violation or as provided by 359
ordinance of the municipal corporation based on the violation, 360
whichever is applicable. Upon its receipt under this division of 361
a report of a violation or failure to complete the term by a 362
person sentenced to the center under an OVI term of confinement, 363
the court shall determine the place at which the offender is to 364
serve the remainder of the term of confinement. The eligible 365
offender shall receive credit towards completing the eligible 366
offender's sentence for the time spent in the center after 367
admission to it. 368

Sec. 2307.601. (A) As used in this section:— 369

~~(1) "Residence" and "vehicle" have the same meanings as in~~ 370
~~section 2901.05 of the Revised Code.~~ 371

~~(2) "Tort", "tort action" has the same meaning as in~~ 372
section 2307.60 of the Revised Code. 373

(B) For purposes of determining the potential liability of 374
a person in a tort action related to the person's use of force 375
alleged to be in self-defense, defense of another, or defense of 376
the person's residence, ~~if the person lawfully is in that~~ 377
~~person's residence,~~ the person has no duty to retreat before 378

using force in self-defense, defense of another, or defense of 379
that person's residence, ~~and, if the person lawfully is an~~ 380
~~occupant of that person's vehicle or lawfully is an occupant in~~ 381
~~a vehicle owned by an immediate family member of the person, the~~ 382
~~person has no duty to retreat before using force in self-defense~~ 383
~~or defense of another~~ if that person is in a place in which the 384
person lawfully has a right to be. 385

(C) A trier of fact shall not consider the possibility of 386
retreat as a factor in determining whether or not a person who 387
used force in self-defense, defense of another, or defense of 388
that person's residence reasonably believed that the force was 389
necessary to prevent injury, loss, or risk to life or safety. 390

Sec. 2901.05. (A) Every person accused of an offense is 391
presumed innocent until proven guilty beyond a reasonable doubt, 392
and the burden of proof for all elements of the offense is upon 393
the prosecution. The burden of going forward with the evidence 394
of an affirmative defense, and the burden of proof, by a 395
preponderance of the evidence, for an affirmative defense other 396
than self-defense, defense of another, or defense of the 397
accused's residence as described in division (B) (1) of this 398
section, is upon the accused. 399

(B) (1) A person is allowed to act in self-defense, defense 400
of another, or defense of that person's residence. If, at the 401
trial of a person who is accused of an offense that involved the 402
person's use of force against another, there is evidence 403
presented that tends to support that the accused person used the 404
force in self-defense, defense of another, or defense of that 405
person's residence, the prosecution must prove beyond a 406
reasonable doubt that the accused person did not use the force 407
in self-defense, defense of another, or defense of that person's 408

residence, as the case may be.

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(2) Subject to division (B) ~~(2)~~ (3) of this section, a
person is presumed to have acted in self-defense or defense of
another when using defensive force that is intended or likely to
cause death or great bodily harm to another if the person
against whom the defensive force is used is in the process of
unlawfully and without privilege to do so entering, or has
unlawfully and without privilege to do so entered, the residence
or vehicle occupied by the person using the defensive force.

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~~(2)(a)~~ (3) The presumption set forth in division (B) ~~(1)~~ (2)
of this section does not apply if either of the following is
true:

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(a) The person against whom the defensive force is used
has a right to be in, or is a lawful resident of, the residence
or vehicle.

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~~(b)~~ The ~~presumption set forth in division (B) (1) of this~~
~~section does not apply if the~~ person who uses the defensive
force uses it while in a residence or vehicle and the person is
unlawfully, and without privilege to be, in that residence or
vehicle.

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~~(3)~~ (4) The presumption set forth in division (B) ~~(1)~~ (2) of
this section is a rebuttable presumption and may be rebutted by
a preponderance of the evidence, provided that the prosecution's
burden of proof remains proof beyond a reasonable doubt as
described in divisions (A) and (B) (1) of this section.

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(C) As part of its charge to the jury in a criminal case,
the court shall read the definitions of "reasonable doubt" and
"proof beyond a reasonable doubt," contained in division (D) of
this section.

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(D) As used in this section: 438

(1) An "affirmative defense" is either of the following: 439

(a) A defense expressly designated as affirmative; 440

(b) A defense involving an excuse or justification 441
peculiarly within the knowledge of the accused, on which the 442
accused can fairly be required to adduce supporting evidence. 443

(2) "Dwelling" means a building or conveyance of any kind 444
that has a roof over it and that is designed to be occupied by 445
people lodging in the building or conveyance at night, 446
regardless of whether the building or conveyance is temporary or 447
permanent or is mobile or immobile. As used in this division, a 448
building or conveyance includes, but is not limited to, an 449
attached porch, and a building or conveyance with a roof over it 450
includes, but is not limited to, a tent. 451

(3) "Residence" means a dwelling in which a person resides 452
either temporarily or permanently or is visiting as a guest. 453

(4) "Vehicle" means a conveyance of any kind, whether or 454
not motorized, that is designed to transport people or property. 455

(E) "Reasonable doubt" is present when the jurors, after 456
they have carefully considered and compared all the evidence, 457
cannot say they are firmly convinced of the truth of the charge. 458
It is a doubt based on reason and common sense. Reasonable doubt 459
is not mere possible doubt, because everything relating to human 460
affairs or depending on moral evidence is open to some possible 461
or imaginary doubt. "Proof beyond a reasonable doubt" is proof 462
of such character that an ordinary person would be willing to 463
rely and act upon it in the most important of the person's own 464
affairs. 465

Sec. 2901.09. (A) ~~As used in this section, "residence" and~~ 466
~~"vehicle" have the same meanings as in section 2901.05 of the~~ 467
~~Revised Code.~~ 468

~~(B) For purposes of any section of the Revised Code that~~ 469
~~sets forth a criminal offense, a person who lawfully is in that~~ 470
~~person's residence has no duty to retreat before using force in~~ 471
~~self-defense, defense of another, or defense of that person's~~ 472
~~residence, and a person who lawfully is an occupant of that~~ 473
~~person's vehicle or who lawfully is an occupant in a vehicle~~ 474
~~owned by an immediate family member of the person has no duty to~~ 475
~~retreat before using force in self-defense or defense of another~~ 476
if that person is in a place in which the person lawfully has a 477
right to be. 478

(B) A trier of fact shall not consider the possibility of 479
retreat as a factor in determining whether or not a person who 480
used force in self-defense, defense of another, or defense of 481
that person's residence reasonably believed that the force was 482
necessary to prevent injury, loss, or risk to life or safety. 483

Sec. 2923.12. (A) No person shall knowingly carry or have, 484
concealed on the person's person or concealed ready at hand, any 485
of the following: 486

- (1) A deadly weapon other than a handgun; 487
- (2) A handgun other than a dangerous ordnance; 488
- (3) A dangerous ordnance. 489

(B) No person who has been issued a concealed handgun 490
license shall do any of the following: 491

- (1) If the person is stopped for a law enforcement purpose 492
and is carrying a concealed handgun, fail to promptly inform any 493

law enforcement officer who approaches the person after the 494
person has been stopped that the person has been issued a 495
concealed handgun license and that the person then is carrying a 496
concealed handgun; 497

(2) If the person is stopped for a law enforcement purpose 498
and is carrying a concealed handgun, knowingly fail to keep the 499
person's hands in plain sight at any time after any law 500
enforcement officer begins approaching the person while stopped 501
and before the law enforcement officer leaves, unless it is 502
impractical to keep the person's hands in plain sight in that 503
manner or the failure is pursuant to and in accordance with 504
directions given by a law enforcement officer; 505

(3) If the person is stopped for a law enforcement 506
purpose, if the person is carrying a concealed handgun, and if 507
the person is approached by any law enforcement officer while 508
stopped, knowingly remove or attempt to remove the loaded 509
handgun from the holster, pocket, or other place in which the 510
person is carrying it, knowingly grasp or hold the loaded 511
handgun, or knowingly have contact with the loaded handgun by 512
touching it with the person's hands or fingers at any time after 513
the law enforcement officer begins approaching and before the 514
law enforcement officer leaves, unless the person removes, 515
attempts to remove, grasps, holds, or has contact with the 516
loaded handgun pursuant to and in accordance with directions 517
given by the law enforcement officer; 518

(4) If the person is stopped for a law enforcement purpose 519
and is carrying a concealed handgun, knowingly disregard or fail 520
to comply with any lawful order of any law enforcement officer 521
given while the person is stopped, including, but not limited 522
to, a specific order to the person to keep the person's hands in 523

plain sight. 524

(C) (1) This section does not apply to any of the 525
following: 526

(a) An officer, agent, or employee of this or any other 527
state or the United States, or to a law enforcement officer, who 528
is authorized to carry concealed weapons or dangerous ordnance 529
or is authorized to carry handguns and is acting within the 530
scope of the officer's, agent's, or employee's duties; 531

(b) Any person who is employed in this state, who is 532
authorized to carry concealed weapons or dangerous ordnance or 533
is authorized to carry handguns, and who is subject to and in 534
compliance with the requirements of section 109.801 of the 535
Revised Code, unless the appointing authority of the person has 536
expressly specified that the exemption provided in division (C) 537
(1) (b) of this section does not apply to the person; 538

(c) A person's transportation or storage of a firearm, 539
other than a firearm described in divisions (G) to (M) of 540
section 2923.11 of the Revised Code, in a motor vehicle for any 541
lawful purpose if the firearm is not on the actor's person; 542

(d) A person's storage or possession of a firearm, other 543
than a firearm described in divisions (G) to (M) of section 544
2923.11 of the Revised Code, in the actor's own home for any 545
lawful purpose. 546

(2) Division (A) (2) of this section does not apply to any 547
person who, at the time of the alleged carrying or possession of 548
a handgun, either is carrying a valid concealed handgun license 549
or is an active duty member of the armed forces of the United 550
States and is carrying a valid military identification card and 551
documentation of successful completion of firearms training that 552

meets or exceeds the training requirements described in division 553
(G) (1) of section 2923.125 of the Revised Code, unless the 554
person knowingly is in a place described in division (B) of 555
section 2923.126 of the Revised Code. 556

(D) It is an affirmative defense to a charge under 557
division (A) (1) of this section of carrying or having control of 558
a weapon other than a handgun and other than a dangerous 559
ordnance that the actor was not otherwise prohibited by law from 560
having the weapon and that any of the following applies: 561

(1) The weapon was carried or kept ready at hand by the 562
actor for defensive purposes while the actor was engaged in or 563
was going to or from the actor's lawful business or occupation, 564
which business or occupation was of a character or was 565
necessarily carried on in a manner or at a time or place as to 566
render the actor particularly susceptible to criminal attack, 567
such as would justify a prudent person in going armed. 568

(2) The weapon was carried or kept ready at hand by the 569
actor for defensive purposes while the actor was engaged in a 570
lawful activity and had reasonable cause to fear a criminal 571
attack upon the actor, a member of the actor's family, or the 572
actor's home, such as would justify a prudent person in going 573
armed. 574

(3) The weapon was carried or kept ready at hand by the 575
actor for any lawful purpose and while in the actor's own home. 576

(E) No person who is charged with a violation of this 577
section shall be required to obtain a concealed handgun license 578
as a condition for the dismissal of the charge. 579

(F) (1) Whoever violates this section is guilty of carrying 580
concealed weapons. Except as otherwise provided in this division 581

or divisions (F) (2), (6), and (7) of this section, carrying 582
concealed weapons in violation of division (A) (1) or (3) of this 583
section is a misdemeanor of the first degree. Except as 584
otherwise provided in this division or divisions (F) (2), (6), 585
and (7) of this section, if the offender previously has been 586
convicted of a violation of this section or of any offense of 587
violence, if the weapon involved is a firearm that is either 588
loaded or for which the offender has ammunition ready at hand, 589
or if the weapon involved is dangerous ordnance, carrying 590
concealed weapons in violation of division (A) (1) or (3) of this 591
section is a felony of the fourth degree. ~~Except~~ 592

Except as otherwise provided in this division or divisions 593
(F) (2), (6), and (7) of this section, carrying concealed weapons 594
in violation of division (A) (2) of this section is a minor 595
misdemeanor. Except as otherwise provided in this division or 596
divisions (F) (2), (6), and (7) of this section, carrying 597
concealed weapons in violation of division (A) (2) of this 598
section committed in circumstances in which the offender 599
committed any other offense while carrying concealed the handgun 600
is a misdemeanor of the first degree. Except as otherwise 601
provided in this division or divisions (F) (2), (6), and (7) of 602
this section, if the offender committed any other offense while 603
carrying the concealed handgun and the offender previously has 604
been convicted of a violation of this section or of any offense 605
of violence or if the handgun involved is either loaded or is a 606
handgun for which the offender has ammunition ready at hand, 607
carrying concealed weapons in violation of division (A) (2) of 608
this section is a felony of the fourth degree. 609

Except as otherwise provided in divisions (F) (2) and (6) 610
of this section, if the offense is committed aboard an aircraft, 611
or with purpose to carry a concealed weapon aboard an aircraft, 612

regardless of the weapon involved, carrying concealed weapons in 613
violation of division (A) (1), (2), or (3) of this section is a 614
felony of the third degree. 615

(2) Except as provided in division (F) (6) of this section, 616
if a person being arrested for a violation of division (A) (2) of 617
this section promptly produces a valid concealed handgun 618
license, and if at the time of the violation the person was not 619
knowingly in a place described in division (B) of section 620
2923.126 of the Revised Code, the officer shall not arrest the 621
person for a violation of that division. If the person is not 622
able to promptly produce any concealed handgun license and if 623
the person is not in a place described in that section, the 624
officer may arrest the person for a violation of that division, 625
and the offender shall be punished ~~as follows:~~ 626

~~(a) The offender shall be guilty of a minor misdemeanor if~~ 627
~~both of the following apply:~~ 628

~~(i) Within ten days after the arrest, the offender~~ 629
~~presents a concealed handgun license, which license was valid at~~ 630
~~the time of the arrest to the law enforcement agency that~~ 631
~~employs the arresting officer.~~ 632

~~(ii) At the time of the arrest, the offender was not~~ 633
~~knowingly in a place described in division (B) of section~~ 634
~~2923.126 of the Revised Code.~~ 635

~~(b) The offender shall be guilty of a misdemeanor and~~ 636
~~shall be fined five hundred dollars if all of the following~~ 637
~~apply:~~ 638

~~(i) The offender previously had been issued a concealed~~ 639
~~handgun license, and that license expired within the two years~~ 640
~~immediately preceding the arrest.~~ 641

~~(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) of this section do not apply, the offender shall be punished under division (F) (1) or (7) of this section.~~

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

(4) Carrying concealed weapons in violation of division (B) (2) or (4) of this section is a misdemeanor of the first degree or, if the offender previously has been convicted of or

pleaded guilty to a violation of division (B) (2) or (4) of this 672
section, a felony of the fifth degree. In addition to any other 673
penalty or sanction imposed for a misdemeanor violation of 674
division (B) (2) or (4) of this section, the offender's concealed 675
handgun license shall be suspended pursuant to division (A) (2) 676
of section 2923.128 of the Revised Code. 677

(5) Carrying concealed weapons in violation of division 678
(B) (3) of this section is a felony of the fifth degree. 679

(6) If a person being arrested for a violation of division 680
(A) (2) of this section is an active duty member of the armed 681
forces of the United States and is carrying a valid military 682
identification card and documentation of successful completion 683
of firearms training that meets or exceeds the training 684
requirements described in division (G) (1) of section 2923.125 of 685
the Revised Code, and if at the time of the violation the person 686
was not knowingly in a place described in division (B) of 687
section 2923.126 of the Revised Code, the officer shall not 688
arrest the person for a violation of that division. If the 689
person is not able to promptly produce a valid military 690
identification card and documentation of successful completion 691
of firearms training that meets or exceeds the training 692
requirements described in division (G) (1) of section 2923.125 of 693
the Revised Code and if the person is not in a place described 694
in division (B) of section 2923.126 of the Revised Code, the 695
officer shall issue a citation and the offender shall be 696
assessed a civil penalty of not more than ~~five~~one hundred fifty 697
dollars. The citation shall be automatically dismissed and the 698
civil penalty shall not be assessed if both of the following 699
apply: 700

(a) Within ten days after the issuance of the citation, 701

the offender presents a valid military identification card and 702
documentation of successful completion of firearms training that 703
meets or exceeds the training requirements described in division 704
(G) (1) of section 2923.125 of the Revised Code, which were both 705
valid at the time of the issuance of the citation to the law 706
enforcement agency that employs the citing officer. 707

(b) At the time of the citation, the offender was not 708
knowingly in a place described in division (B) of section 709
2923.126 of the Revised Code. 710

(7) If a person being arrested for a violation of division 711
(A) (2) of this section is knowingly in a place described in 712
division (B) (5) of section 2923.126 of the Revised Code and is 713
not authorized to carry a handgun or have a handgun concealed on 714
the person's person or concealed ready at hand under that 715
division, the penalty shall be as follows: 716

(a) Except as otherwise provided in ~~this division (F) (7)~~ 717
~~(b), (c), or (d) of this section, if the person produces a valid~~ 718
~~concealed handgun license within ten days after the arrest and~~ 719
~~has not previously been convicted or pleaded guilty to a~~ 720
~~violation of division (A) (2) of this section, the person is~~ 721
guilty of a minor misdemeanor; 722

(b) Except as otherwise provided in ~~this division (F) (7)~~ 723
~~(d) of this section~~, if the person has previously been convicted 724
of or pleaded guilty to ~~a one~~ violation of division (A) (2) of 725
this section, the person is guilty of a misdemeanor of the 726
fourth degree; 727

(c) Except as otherwise provided in ~~this division (F) (7)~~ 728
~~(d) of this section~~, if the person has previously been convicted 729
of or pleaded guilty to two violations of division (A) (2) of 730

this section, the person is guilty of a misdemeanor of the third 731
degree; 732

(d) ~~Except as otherwise provided in this division, if~~ If 733
the person has previously been convicted of or pleaded guilty to 734
three or more violations of division (A) (2) of this section, ~~or~~ 735
~~convicted of or pleaded guilty to~~ of any offense of violence, if 736
the weapon involved is a firearm that is either loaded or for 737
which the offender has ammunition ready at hand, or if the 738
weapon involved is a dangerous ordnance, the person is guilty of 739
a misdemeanor of the second degree. 740

(G) If a law enforcement officer stops a person to 741
question the person regarding a possible violation of this 742
section, for a traffic stop, or for any other law enforcement 743
purpose, if the person surrenders a firearm to the officer, 744
either voluntarily or pursuant to a request or demand of the 745
officer, and if the officer does not charge the person with a 746
violation of this section or arrest the person for any offense, 747
the person is not otherwise prohibited by law from possessing 748
the firearm, and the firearm is not contraband, the officer 749
shall return the firearm to the person at the termination of the 750
stop. If a court orders a law enforcement officer to return a 751
firearm to a person pursuant to the requirement set forth in 752
this division, division (B) of section 2923.163 of the Revised 753
Code applies. 754

Sec. 2923.126. (A) A concealed handgun license that is 755
issued under section 2923.125 of the Revised Code shall expire 756
five years after the date of issuance. A licensee who has been 757
issued a license under that section shall be granted a grace 758
period of thirty days after the licensee's license expires 759
during which the licensee's license remains valid. Except as 760

provided in divisions (B) and (C) of this section, a licensee 761
who has been issued a concealed handgun license under section 762
2923.125 or 2923.1213 of the Revised Code may carry a concealed 763
handgun anywhere in this state if the licensee also carries a 764
valid license and valid identification when the licensee is in 765
actual possession of a concealed handgun. The licensee shall 766
give notice of any change in the licensee's residence address to 767
the sheriff who issued the license within forty-five days after 768
that change. 769

If a licensee is the driver or an occupant of a motor 770
vehicle that is stopped as the result of a traffic stop or a 771
stop for another law enforcement purpose and if the licensee is 772
transporting or has a loaded handgun in the motor vehicle at 773
that time, the licensee shall promptly inform any law 774
enforcement officer who approaches the vehicle while stopped 775
that the licensee has been issued a concealed handgun license 776
and that the licensee currently possesses or has a loaded 777
handgun; the licensee shall not knowingly disregard or fail to 778
comply with lawful orders of a law enforcement officer given 779
while the motor vehicle is stopped, knowingly fail to remain in 780
the motor vehicle while stopped unless directed otherwise by a 781
law enforcement officer, or knowingly fail to keep the 782
licensee's hands in plain sight after any law enforcement 783
officer begins approaching the licensee while stopped and before 784
the officer leaves, unless it is impractical to keep the 785
licensee's hands in plain sight in that manner or the licensee 786
is directed otherwise by a law enforcement officer; and the 787
licensee shall not knowingly have contact with the loaded 788
handgun by touching it with the licensee's hands or fingers, in 789
any manner in violation of division (E) of section 2923.16 of 790
the Revised Code, after any law enforcement officer begins 791

approaching the licensee while stopped and before the officer 792
leaves. Additionally, if a licensee is the driver or an occupant 793
of a commercial motor vehicle that is stopped by an employee of 794
the motor carrier enforcement unit for the purposes defined in 795
section 5503.34 of the Revised Code and ~~if~~ the licensee is 796
transporting or has a loaded handgun in the commercial motor 797
vehicle at that time, the licensee shall promptly inform the 798
employee of the unit who approaches the vehicle while stopped 799
that the licensee has been issued a concealed handgun license 800
and that the licensee currently possesses or has a loaded 801
handgun. 802

If a licensee is stopped for a law enforcement purpose and 803
if the licensee is carrying a concealed handgun at the time the 804
officer approaches, the licensee shall promptly inform any law 805
enforcement officer who approaches the licensee while stopped 806
that the licensee has been issued a concealed handgun license 807
and that the licensee currently is carrying a concealed handgun; 808
the licensee shall not knowingly disregard or fail to comply 809
with lawful orders of a law enforcement officer given while the 810
licensee is stopped, or knowingly fail to keep the licensee's 811
hands in plain sight after any law enforcement officer begins 812
approaching the licensee while stopped and before the officer 813
leaves, unless it is impractical to keep the licensee's hands in 814
plain sight in that manner or the licensee is directed otherwise 815
by a law enforcement officer; and the licensee shall not 816
knowingly remove, attempt to remove, grasp, or hold the loaded 817
handgun or knowingly have contact with the loaded handgun by 818
touching it with the licensee's hands or fingers, in any manner 819
in violation of division (B) of section 2923.12 of the Revised 820
Code, after any law enforcement officer begins approaching the 821
licensee while stopped and before the officer leaves. 822

(B) A valid concealed handgun license does not authorize 823
the licensee to carry a concealed handgun in any manner 824
prohibited under division (B) of section 2923.12 of the Revised 825
Code or in any manner prohibited under section 2923.16 of the 826
Revised Code. A valid license does not authorize the licensee to 827
carry a concealed handgun into any of the following places: 828

(1) A police station, sheriff's office, or state highway 829
patrol station, premises controlled by the bureau of criminal 830
identification and investigation; a state correctional 831
institution, jail, workhouse, or other detention facility; any 832
area of an airport passenger terminal that is beyond a passenger 833
or property screening checkpoint or to which access is 834
restricted through security measures by the airport authority or 835
a public agency; or an institution that is maintained, operated, 836
managed, and governed pursuant to division (A) of section 837
5119.14 of the Revised Code or division (A) (1) of section 838
5123.03 of the Revised Code; 839

(2) A school safety zone if the licensee's carrying the 840
concealed handgun is in violation of section 2923.122 of the 841
Revised Code; 842

(3) A courthouse or another building or structure in which 843
a courtroom is located, if the licensee's carrying the concealed 844
handgun is in violation of section 2923.123 of the Revised Code; 845

(4) Any premises or open air arena for which a D permit 846
has been issued under Chapter 4303. of the Revised Code if the 847
licensee's carrying the concealed handgun is in violation of 848
section 2923.121 of the Revised Code; 849

(5) Any premises owned or leased by any public or private 850
college, university, or other institution of higher education, 851

unless the handgun is in a locked motor vehicle or the licensee 852
is in the immediate process of placing the handgun in a locked 853
motor vehicle or unless the licensee is carrying the concealed 854
handgun pursuant to a written policy, rule, or other 855
authorization that is adopted by the institution's board of 856
trustees or other governing body and that authorizes specific 857
individuals or classes of individuals to carry a concealed 858
handgun on the premises; 859

(6) Any church, synagogue, mosque, or other place of 860
worship, unless the church, synagogue, mosque, or other place of 861
worship posts or permits otherwise; 862

(7) Any building that is a government facility of this 863
state or a political subdivision of this state and that is not a 864
building that is used primarily as a shelter, restroom, parking 865
facility for motor vehicles, or rest facility and is not a 866
courthouse or other building or structure in which a courtroom 867
is located that is subject to division (B)(3) of this section, 868
unless the governing body with authority over the building has 869
enacted a statute, ordinance, or policy that permits a licensee 870
to carry a concealed handgun into the building; 871

(8) A place in which federal law prohibits the carrying of 872
handguns. 873

(C)(1) Nothing in this section shall negate or restrict a 874
rule, policy, or practice of a private employer that is not a 875
private college, university, or other institution of higher 876
education concerning or prohibiting the presence of firearms on 877
the private employer's premises or property, including motor 878
vehicles owned by the private employer. Nothing in this section 879
shall require a private employer of that nature to adopt a rule, 880
policy, or practice concerning or prohibiting the presence of 881

firearms on the private employer's premises or property, 882
including motor vehicles owned by the private employer. 883

(2) (a) A private employer shall be immune from liability 884
in a civil action for any injury, death, or loss to person or 885
property that allegedly was caused by or related to a licensee 886
bringing a handgun onto the premises or property of the private 887
employer, including motor vehicles owned by the private 888
employer, unless the private employer acted with malicious 889
purpose. A private employer is immune from liability in a civil 890
action for any injury, death, or loss to person or property that 891
allegedly was caused by or related to the private employer's 892
decision to permit a licensee to bring, or prohibit a licensee 893
from bringing, a handgun onto the premises or property of the 894
private employer. 895

(b) A political subdivision shall be immune from liability 896
in a civil action, to the extent and in the manner provided in 897
Chapter 2744. of the Revised Code, for any injury, death, or 898
loss to person or property that allegedly was caused by or 899
related to a licensee bringing a handgun onto any premises or 900
property owned, leased, or otherwise under the control of the 901
political subdivision. As used in this division, "political 902
subdivision" has the same meaning as in section 2744.01 of the 903
Revised Code. 904

(c) An institution of higher education shall be immune 905
from liability in a civil action for any injury, death, or loss 906
to person or property that allegedly was caused by or related to 907
a licensee bringing a handgun onto the premises of the 908
institution, including motor vehicles owned by the institution, 909
unless the institution acted with malicious purpose. An 910
institution of higher education is immune from liability in a 911

civil action for any injury, death, or loss to person or 912
property that allegedly was caused by or related to the 913
institution's decision to permit a licensee or class of 914
licensees to bring a handgun onto the premises of the 915
institution. 916

(3) (a) Except as provided in division (C) (3) (b) of this 917
section, the owner or person in control of private land or 918
premises, and a private person or entity leasing land or 919
premises owned by the state, the United States, or a political 920
subdivision of the state or the United States, may post a sign 921
in a conspicuous location on that land or on those premises 922
prohibiting persons from carrying firearms or concealed firearms 923
on or onto that land or those premises. Except as otherwise 924
provided in this division, a person who knowingly violates a 925
posted prohibition of that nature is guilty of criminal trespass 926
in violation of division (A) (4) of section 2911.21 of the 927
Revised Code and is guilty of a misdemeanor of the fourth 928
degree. If a person knowingly violates a posted prohibition of 929
that nature and the posted land or premises primarily was a 930
parking lot or other parking facility, the person is not guilty 931
of criminal trespass under section 2911.21 of the Revised Code 932
or under any other criminal law of this state or criminal law, 933
ordinance, or resolution of a political subdivision of this 934
state, and instead is subject only to a civil cause of action 935
for trespass based on the violation. 936

If a person knowingly violates a posted prohibition of the 937
nature described in this division and the posted land or 938
premises is a child day-care center, type A family day-care 939
home, or type B family day-care home, unless the person is a 940
licensee who resides in a type A family day-care home or type B 941
family day-care home, the person is guilty of aggravated 942

trespass in violation of section 2911.211 of the Revised Code. 943
Except as otherwise provided in this division, the offender is 944
guilty of a misdemeanor of the first degree. If the person 945
previously has been convicted of a violation of this division or 946
of any offense of violence, if the weapon involved is a firearm 947
that is either loaded or for which the offender has ammunition 948
ready at hand, or if the weapon involved is dangerous ordnance, 949
the offender is guilty of a felony of the fourth degree. 950

(b) A landlord may not prohibit or restrict a tenant who 951
is a licensee and who on or after September 9, 2008, enters into 952
a rental agreement with the landlord for the use of residential 953
premises, and the tenant's guest while the tenant is present, 954
from lawfully carrying or possessing a handgun on those 955
residential premises. 956

(c) As used in division (C) (3) of this section: 957

(i) "Residential premises" has the same meaning as in 958
section 5321.01 of the Revised Code, except "residential 959
premises" does not include a dwelling unit that is owned or 960
operated by a college or university. 961

(ii) "Landlord," "tenant," and "rental agreement" have the 962
same meanings as in section 5321.01 of the Revised Code. 963

(D) A person who holds a valid concealed handgun license 964
issued by another state that is recognized by the attorney 965
general pursuant to a reciprocity agreement entered into 966
pursuant to section 109.69 of the Revised Code or a person who 967
holds a valid concealed handgun license under the circumstances 968
described in division (B) of section 109.69 of the Revised Code 969
has the same right to carry a concealed handgun in this state as 970
a person who was issued a concealed handgun license under 971

section 2923.125 of the Revised Code and is subject to the same 972
restrictions that apply to a person who carries a license issued 973
under that section. 974

(E) (1) A peace officer has the same right to carry a 975
concealed handgun in this state as a person who was issued a 976
concealed handgun license under section 2923.125 of the Revised 977
Code. For purposes of reciprocity with other states, a peace 978
officer shall be considered to be a licensee in this state. 979

(2) An active duty member of the armed forces of the 980
United States who is carrying a valid military identification 981
card and documentation of successful completion of firearms 982
training that meets or exceeds the training requirements 983
described in division (G) (1) of section 2923.125 of the Revised 984
Code has the same right to carry a concealed handgun in this 985
state as a person who was issued a concealed handgun license 986
under section 2923.125 of the Revised Code and is subject to the 987
same restrictions as specified in this section. 988

(F) (1) A qualified retired peace officer who possesses a 989
retired peace officer identification card issued pursuant to 990
division (F) (2) of this section and a valid firearms 991
requalification certification issued pursuant to division (F) (3) 992
of this section has the same right to carry a concealed handgun 993
in this state as a person who was issued a concealed handgun 994
license under section 2923.125 of the Revised Code and is 995
subject to the same restrictions that apply to a person who 996
carries a license issued under that section. For purposes of 997
reciprocity with other states, a qualified retired peace officer 998
who possesses a retired peace officer identification card issued 999
pursuant to division (F) (2) of this section and a valid firearms 1000
requalification certification issued pursuant to division (F) (3) 1001

of this section shall be considered to be a licensee in this 1002
state. 1003

(2) (a) Each public agency of this state or of a political 1004
subdivision of this state that is served by one or more peace 1005
officers shall issue a retired peace officer identification card 1006
to any person who retired from service as a peace officer with 1007
that agency, if the issuance is in accordance with the agency's 1008
policies and procedures and if the person, with respect to the 1009
person's service with that agency, satisfies all of the 1010
following: 1011

(i) The person retired in good standing from service as a 1012
peace officer with the public agency, and the retirement was not 1013
for reasons of mental instability. 1014

(ii) Before retiring from service as a peace officer with 1015
that agency, the person was authorized to engage in or supervise 1016
the prevention, detection, investigation, or prosecution of, or 1017
the incarceration of any person for, any violation of law and 1018
the person had statutory powers of arrest. 1019

(iii) At the time of the person's retirement as a peace 1020
officer with that agency, the person was trained and qualified 1021
to carry firearms in the performance of the peace officer's 1022
duties. 1023

(iv) Before retiring from service as a peace officer with 1024
that agency, the person was regularly employed as a peace 1025
officer for an aggregate of fifteen years or more, or, in the 1026
alternative, the person retired from service as a peace officer 1027
with that agency, after completing any applicable probationary 1028
period of that service, due to a service-connected disability, 1029
as determined by the agency. 1030

(b) A retired peace officer identification card issued to 1031
a person under division (F)(2)(a) of this section shall identify 1032
the person by name, contain a photograph of the person, identify 1033
the public agency of this state or of the political subdivision 1034
of this state from which the person retired as a peace officer 1035
and that is issuing the identification card, and specify that 1036
the person retired in good standing from service as a peace 1037
officer with the issuing public agency and satisfies the 1038
criteria set forth in divisions (F)(2)(a)(i) to (iv) of this 1039
section. In addition to the required content specified in this 1040
division, a retired peace officer identification card issued to 1041
a person under division (F)(2)(a) of this section may include 1042
the firearms requalification certification described in division 1043
(F)(3) of this section, and if the identification card includes 1044
that certification, the identification card shall serve as the 1045
firearms requalification certification for the retired peace 1046
officer. If the issuing public agency issues credentials to 1047
active law enforcement officers who serve the agency, the agency 1048
may comply with division (F)(2)(a) of this section by issuing 1049
the same credentials to persons who retired from service as a 1050
peace officer with the agency and who satisfy the criteria set 1051
forth in divisions (F)(2)(a)(i) to (iv) of this section, 1052
provided that the credentials so issued to retired peace 1053
officers are stamped with the word "RETIRED." 1054

(c) A public agency of this state or of a political 1055
subdivision of this state may charge persons who retired from 1056
service as a peace officer with the agency a reasonable fee for 1057
issuing to the person a retired peace officer identification 1058
card pursuant to division (F)(2)(a) of this section. 1059

(3) If a person retired from service as a peace officer 1060
with a public agency of this state or of a political subdivision 1061

of this state and the person satisfies the criteria set forth in 1062
divisions (F)(2)(a)(i) to (iv) of this section, the public 1063
agency may provide the retired peace officer with the 1064
opportunity to attend a firearms requalification program that is 1065
approved for purposes of firearms requalification required under 1066
section 109.801 of the Revised Code. The retired peace officer 1067
may be required to pay the cost of the course. 1068

If a retired peace officer who satisfies the criteria set 1069
forth in divisions (F)(2)(a)(i) to (iv) of this section attends 1070
a firearms requalification program that is approved for purposes 1071
of firearms requalification required under section 109.801 of 1072
the Revised Code, the retired peace officer's successful 1073
completion of the firearms requalification program requalifies 1074
the retired peace officer for purposes of division (F) of this 1075
section for five years from the date on which the program was 1076
successfully completed, and the requalification is valid during 1077
that five-year period. If a retired peace officer who satisfies 1078
the criteria set forth in divisions (F)(2)(a)(i) to (iv) of this 1079
section satisfactorily completes such a firearms requalification 1080
program, the retired peace officer shall be issued a firearms 1081
requalification certification that identifies the retired peace 1082
officer by name, identifies the entity that taught the program, 1083
specifies that the retired peace officer successfully completed 1084
the program, specifies the date on which the course was 1085
successfully completed, and specifies that the requalification 1086
is valid for five years from that date of successful completion. 1087
The firearms requalification certification for a retired peace 1088
officer may be included in the retired peace officer 1089
identification card issued to the retired peace officer under 1090
division (F)(2) of this section. 1091

A retired peace officer who attends a firearms 1092

requalification program that is approved for purposes of 1093
firearms requalification required under section 109.801 of the 1094
Revised Code may be required to pay the cost of the program. 1095

(G) As used in this section: 1096

(1) "Qualified retired peace officer" means a person who 1097
satisfies all of the following: 1098

(a) The person satisfies the criteria set forth in 1099
divisions (F) (2) (a) (i) to (v) of this section. 1100

(b) The person is not under the influence of alcohol or 1101
another intoxicating or hallucinatory drug or substance. 1102

(c) The person is not prohibited by federal law from 1103
receiving firearms. 1104

(2) "Retired peace officer identification card" means an 1105
identification card that is issued pursuant to division (F) (2) 1106
of this section to a person who is a retired peace officer. 1107

(3) "Government facility of this state or a political 1108
subdivision of this state" means any of the following: 1109

(a) A building or part of a building that is owned or 1110
leased by the government of this state or a political 1111
subdivision of this state and where employees of the government 1112
of this state or the political subdivision regularly are present 1113
for the purpose of performing their official duties as employees 1114
of the state or political subdivision; 1115

(b) The office of a deputy registrar serving pursuant to 1116
Chapter 4503. of the Revised Code that is used to perform deputy 1117
registrar functions. 1118

(4) "Governing body" has the same meaning as in section 1119

154.01 of the Revised Code. 1120

Sec. 2923.16. (A) No person shall knowingly discharge a 1121
firearm while in or on a motor vehicle. 1122

(B) No person shall knowingly transport or have a loaded 1123
firearm in a motor vehicle in such a manner that the firearm is 1124
accessible to the operator or any passenger without leaving the 1125
vehicle. 1126

(C) No person shall knowingly transport or have a firearm 1127
in a motor vehicle, unless the person may lawfully possess that 1128
firearm under applicable law of this state or the United States, 1129
the firearm is unloaded, and the firearm is carried in one of 1130
the following ways: 1131

(1) In a closed package, box, or case; 1132

(2) In a compartment that can be reached only by leaving 1133
the vehicle; 1134

(3) In plain sight and secured in a rack or holder made 1135
for the purpose; 1136

(4) If the firearm is at least twenty-four inches in 1137
overall length as measured from the muzzle to the part of the 1138
stock furthest from the muzzle and if the barrel is at least 1139
eighteen inches in length, either in plain sight with the action 1140
open or the weapon stripped, or, if the firearm is of a type on 1141
which the action will not stay open or which cannot easily be 1142
stripped, in plain sight. 1143

(D) No person shall knowingly transport or have a loaded 1144
handgun in a motor vehicle if, at the time of that 1145
transportation or possession, any of the following applies: 1146

(1) The person is under the influence of alcohol, a drug 1147

of abuse, or a combination of them. 1148

(2) The person's whole blood, blood serum or plasma, 1149
breath, or urine contains a concentration of alcohol, a listed 1150
controlled substance, or a listed metabolite of a controlled 1151
substance prohibited for persons operating a vehicle, as 1152
specified in division (A) of section 4511.19 of the Revised 1153
Code, regardless of whether the person at the time of the 1154
transportation or possession as described in this division is 1155
the operator of or a passenger in the motor vehicle. 1156

(E) No person who has been issued a concealed handgun 1157
license or who is an active duty member of the armed forces of 1158
the United States and is carrying a valid military 1159
identification card and documentation of successful completion 1160
of firearms training that meets or exceeds the training 1161
requirements described in division (G) (1) of section 2923.125 of 1162
the Revised Code, who is the driver or an occupant of a motor 1163
vehicle that is stopped as a result of a traffic stop or a stop 1164
for another law enforcement purpose or is the driver or an 1165
occupant of a commercial motor vehicle that is stopped by an 1166
employee of the motor carrier enforcement unit for the purposes 1167
defined in section 5503.34 of the Revised Code, and who is 1168
transporting or has a loaded handgun in the motor vehicle or 1169
commercial motor vehicle in any manner, shall do any of the 1170
following: 1171

(1) Fail to promptly inform any law enforcement officer 1172
who approaches the vehicle while stopped that the person has 1173
been issued a concealed handgun license or is authorized to 1174
carry a concealed handgun as an active duty member of the armed 1175
forces of the United States and that the person then possesses 1176
or has a loaded handgun in the motor vehicle; 1177

(2) Fail to promptly inform the employee of the motor 1178
carrier enforcement unit who approaches the vehicle while 1179
stopped that the person has been issued a concealed handgun 1180
license or is authorized to carry a concealed handgun as an 1181
active duty member of the armed forces of the United States and 1182
that the person then possesses or has a loaded handgun in the 1183
commercial motor vehicle; 1184

(3) Knowingly fail to remain in the motor vehicle while 1185
~~stopped or knowingly fail to keep the person's hands in plain~~ 1186
~~sight at any time after any law enforcement officer begins~~ 1187
~~approaching the person while stopped and before the law~~ 1188
~~enforcement officer leaves,~~ unless the failure is pursuant to 1189
and in accordance with directions given by a law enforcement 1190
officer; 1191

(4) Knowingly have contact with the loaded handgun by 1192
touching it with the person's hands or fingers in the motor 1193
vehicle at any time after the law enforcement officer begins 1194
approaching and before the law enforcement officer leaves, 1195
unless the person has contact with the loaded handgun pursuant 1196
to and in accordance with directions given by the law 1197
enforcement officer; 1198

(5) Knowingly disregard or fail to comply with any lawful 1199
order of any law enforcement officer given while the motor 1200
vehicle is stopped, including, but not limited to, a specific 1201
order to the person to keep the person's hands in plain sight. 1202

(F) (1) Divisions (A), (B), (C), and (E) of this section do 1203
not apply to any of the following: 1204

(a) An officer, agent, or employee of this or any other 1205
state or the United States, or a law enforcement officer, when 1206

authorized to carry or have loaded or accessible firearms in 1207
motor vehicles and acting within the scope of the officer's, 1208
agent's, or employee's duties; 1209

(b) Any person who is employed in this state, who is 1210
authorized to carry or have loaded or accessible firearms in 1211
motor vehicles, and who is subject to and in compliance with the 1212
requirements of section 109.801 of the Revised Code, unless the 1213
appointing authority of the person has expressly specified that 1214
the exemption provided in division (F) (1) (b) of this section 1215
does not apply to the person. 1216

(2) Division (A) of this section does not apply to a 1217
person if all of the following circumstances apply: 1218

(a) The person discharges a firearm from a motor vehicle 1219
at a coyote or groundhog, the discharge is not during the deer 1220
gun hunting season as set by the chief of the division of 1221
wildlife of the department of natural resources, and the 1222
discharge at the coyote or groundhog, but for the operation of 1223
this section, is lawful. 1224

(b) The motor vehicle from which the person discharges the 1225
firearm is on real property that is located in an unincorporated 1226
area of a township and that either is zoned for agriculture or 1227
is used for agriculture. 1228

(c) The person owns the real property described in 1229
division (F) (2) (b) of this section, is the spouse or a child of 1230
another person who owns that real property, is a tenant of 1231
another person who owns that real property, or is the spouse or 1232
a child of a tenant of another person who owns that real 1233
property. 1234

(d) The person does not discharge the firearm in any of 1235

the following manners: 1236

(i) While under the influence of alcohol, a drug of abuse, 1237
or alcohol and a drug of abuse; 1238

(ii) In the direction of a street, highway, or other 1239
public or private property used by the public for vehicular 1240
traffic or parking; 1241

(iii) At or into an occupied structure that is a permanent 1242
or temporary habitation; 1243

(iv) In the commission of any violation of law, including, 1244
but not limited to, a felony that includes, as an essential 1245
element, purposely or knowingly causing or attempting to cause 1246
the death of or physical harm to another and that was committed 1247
by discharging a firearm from a motor vehicle. 1248

(3) Division (A) of this section does not apply to a 1249
person if all of the following apply: 1250

(a) The person possesses a valid electric-powered all- 1251
purpose vehicle permit issued under section 1533.103 of the 1252
Revised Code by the chief of the division of wildlife. 1253

(b) The person discharges a firearm at a wild quadruped or 1254
game bird as defined in section 1531.01 of the Revised Code 1255
during the open hunting season for the applicable wild quadruped 1256
or game bird. 1257

(c) The person discharges a firearm from a stationary 1258
electric-powered all-purpose vehicle as defined in section 1259
1531.01 of the Revised Code or a motor vehicle that is parked on 1260
a road that is owned or administered by the division of 1261
wildlife, provided that the road is identified by an electric- 1262
powered all-purpose vehicle sign. 1263

(d) The person does not discharge the firearm in any of 1264
the following manners: 1265

(i) While under the influence of alcohol, a drug of abuse, 1266
or alcohol and a drug of abuse; 1267

(ii) In the direction of a street, a highway, or other 1268
public or private property that is used by the public for 1269
vehicular traffic or parking; 1270

(iii) At or into an occupied structure that is a permanent 1271
or temporary habitation; 1272

(iv) In the commission of any violation of law, including, 1273
but not limited to, a felony that includes, as an essential 1274
element, purposely or knowingly causing or attempting to cause 1275
the death of or physical harm to another and that was committed 1276
by discharging a firearm from a motor vehicle. 1277

(4) Divisions (B) and (C) of this section do not apply to 1278
a person if all of the following circumstances apply: 1279

(a) At the time of the alleged violation of either of 1280
those divisions, the person is the operator of or a passenger in 1281
a motor vehicle. 1282

(b) The motor vehicle is on real property that is located 1283
in an unincorporated area of a township and that either is zoned 1284
for agriculture or is used for agriculture. 1285

(c) The person owns the real property described in 1286
division (D) (4) (b) of this section, is the spouse or a child of 1287
another person who owns that real property, is a tenant of 1288
another person who owns that real property, or is the spouse or 1289
a child of a tenant of another person who owns that real 1290
property. 1291

(d) The person, prior to arriving at the real property 1292
described in division (D) (4) (b) of this section, did not 1293
transport or possess a firearm in the motor vehicle in a manner 1294
prohibited by division (B) or (C) of this section while the 1295
motor vehicle was being operated on a street, highway, or other 1296
public or private property used by the public for vehicular 1297
traffic or parking. 1298

(5) Divisions (B) and (C) of this section do not apply to 1299
a person who transports or possesses a handgun in a motor 1300
vehicle if, at the time of that transportation or possession, 1301
both of the following apply: 1302

(a) The person transporting or possessing the handgun is 1303
either carrying a valid concealed handgun license or is an 1304
active duty member of the armed forces of the United States and 1305
is carrying a valid military identification card and 1306
documentation of successful completion of firearms training that 1307
meets or exceeds the training requirements described in division 1308
(G) (1) of section 2923.125 of the Revised Code. 1309

(b) The person transporting or possessing the handgun is 1310
not knowingly in a place described in division (B) of section 1311
2923.126 of the Revised Code. 1312

(6) Divisions (B) and (C) of this section do not apply to 1313
a person if all of the following apply: 1314

(a) The person possesses a valid electric-powered all- 1315
purpose vehicle permit issued under section 1533.103 of the 1316
Revised Code by the chief of the division of wildlife. 1317

(b) The person is on or in an electric-powered all-purpose 1318
vehicle as defined in section 1531.01 of the Revised Code or a 1319
motor vehicle during the open hunting season for a wild 1320

quadruped or game bird. 1321

(c) The person is on or in an electric-powered all-purpose 1322
vehicle as defined in section 1531.01 of the Revised Code or a 1323
motor vehicle that is parked on a road that is owned or 1324
administered by the division of wildlife, provided that the road 1325
is identified by an electric-powered all-purpose vehicle sign. 1326

(7) Nothing in this section prohibits or restricts a 1327
person from possessing, storing, or leaving a firearm in a 1328
locked motor vehicle that is parked in the state underground 1329
parking garage at the state capitol building or in the parking 1330
garage at the Riffe center for government and the arts in 1331
Columbus, if the person's transportation and possession of the 1332
firearm in the motor vehicle while traveling to the premises or 1333
facility was not in violation of division (A), (B), (C), (D), or 1334
(E) of this section or any other provision of the Revised Code. 1335

(G)(1) The affirmative defenses authorized in divisions 1336
(D)(1) and (2) of section 2923.12 of the Revised Code are 1337
affirmative defenses to a charge under division (B) or (C) of 1338
this section that involves a firearm other than a handgun. 1339

(2) It is an affirmative defense to a charge under 1340
division (B) or (C) of this section of improperly handling 1341
firearms in a motor vehicle that the actor transported or had 1342
the firearm in the motor vehicle for any lawful purpose and 1343
while the motor vehicle was on the actor's own property, 1344
provided that this affirmative defense is not available unless 1345
the person, immediately prior to arriving at the actor's own 1346
property, did not transport or possess the firearm in a motor 1347
vehicle in a manner prohibited by division (B) or (C) of this 1348
section while the motor vehicle was being operated on a street, 1349
highway, or other public or private property used by the public 1350

for vehicular traffic. 1351

(H) (1) No person who is charged with a violation of 1352
division (B), (C), or (D) of this section shall be required to 1353
obtain a concealed handgun license as a condition for the 1354
dismissal of the charge. 1355

(2) (a) If a person is convicted of, was convicted of, 1356
pleads guilty to, or has pleaded guilty to a violation of 1357
division (E) of this section as it existed prior to September 1358
30, 2011, and if the conduct that was the basis of the violation 1359
no longer would be a violation of division (E) of this section 1360
on or after September 30, 2011, the person may file an 1361
application under section 2953.37 of the Revised Code requesting 1362
the expungement of the record of conviction. 1363

If a person is convicted of, was convicted of, pleads 1364
guilty to, or has pleaded guilty to a violation of division (B) 1365
or (C) of this section as the division existed prior to 1366
September 30, 2011, and if the conduct that was the basis of the 1367
violation no longer would be a violation of division (B) or (C) 1368
of this section on or after September 30, 2011, due to the 1369
application of division (F) (5) of this section as it exists on 1370
and after September 30, 2011, the person may file an application 1371
under section 2953.37 of the Revised Code requesting the 1372
expungement of the record of conviction. 1373

(b) The attorney general shall develop a public media 1374
advisory that summarizes the expungement procedure established 1375
under section 2953.37 of the Revised Code and the offenders 1376
identified in division (H) (2) (a) of this section who are 1377
authorized to apply for the expungement. Within thirty days 1378
after September 30, 2011, the attorney general shall provide a 1379
copy of the advisory to each daily newspaper published in this 1380

state and each television station that broadcasts in this state. 1381
The attorney general may provide the advisory in a tangible 1382
form, an electronic form, or in both tangible and electronic 1383
forms. 1384

(I) Whoever violates this section is guilty of improperly 1385
handling firearms in a motor vehicle. 1386

Violation and shall be punished as described in division 1387
(I) (1), (2), (3), (4), or (5) of this section: 1388

(1) A violation of division (A) of this section is a 1389
felony of the fourth degree. 1390

Violation (2) Except as otherwise provided in this 1391
division, a violation of division (C) of this section is a minor 1392
misdemeanor. A violation of division (C) of this section 1393
committed in circumstances in which the offender committed any 1394
other offense while transporting or having the firearm in the 1395
motor vehicle is a misdemeanor of the fourth degree. 1396

(3) A violation of division (D) of this section is a 1397
felony of the fifth degree or, if the loaded handgun is 1398
concealed on the person's person, a felony of the fourth degree. 1399
~~Except~~ 1400

(4) Except as otherwise provided in this division, a 1401
violation of division (E) (1), (2), (3), (4), or (5) of this 1402
section is a minor misdemeanor. Except as otherwise provided in 1403
this division, a violation of division (E) (1) or (2) of this 1404
section committed in circumstances in which the offender 1405
committed any other offense while transporting or having the 1406
loaded handgun in the motor vehicle is a misdemeanor of the 1407
first degree, and, in addition to any other penalty or sanction 1408
imposed for the violation, the offender's concealed handgun 1409

license shall be suspended pursuant to division (A) (2) of 1410
section 2923.128 of the Revised Code. ~~If~~ Regardless of the 1411
circumstances of the offender's conduct, if at the time of the 1412
stop of the offender for a traffic stop, for another law 1413
enforcement purpose, or for a purpose defined in section 5503.34 1414
of the Revised Code that was the basis of the violation any law 1415
enforcement officer involved with the stop or the employee of 1416
the motor carrier enforcement unit who made the stop had actual 1417
knowledge of the offender's status as a licensee, a violation of 1418
division (E) (1) or (2) of this section is a minor misdemeanor, 1419
and the offender's concealed handgun license shall not be 1420
suspended pursuant to division (A) (2) of section 2923.128 of the 1421
Revised Code. A violation of division (E) (4) of this section 1422
committed in circumstances in which the offender committed any 1423
other offense while transporting or having the loaded handgun in 1424
the motor vehicle is a felony of the fifth degree. A violation 1425
of division (E) (3) or (5) of this section committed in 1426
circumstances in which the offender committed any other offense 1427
while transporting or having the loaded handgun in the motor 1428
vehicle is a misdemeanor of the first degree or, if the offender 1429
previously has been convicted of or pleaded guilty to a 1430
violation of division (E) (3) or (5) of this section, a felony of 1431
the fifth degree. In addition to any other penalty or sanction 1432
imposed for a misdemeanor violation of division (E) (3) or (5) of 1433
this section, the offender's concealed handgun license shall be 1434
suspended pursuant to division (A) (2) of section 2923.128 of the 1435
Revised Code. ~~A~~ 1436

(5) Except as otherwise provided in this division, a 1437
violation of division (B) of this section is a minor 1438
misdemeanor. A violation of division (B) of this section 1439
committed in circumstances in which the offender committed any 1440

other offense while transporting or having the loaded firearm in 1441
the motor vehicle is a felony of the fourth degree. 1442

(J) If a law enforcement officer stops a motor vehicle for 1443
a traffic stop or any other purpose, if any person in the motor 1444
vehicle surrenders a firearm to the officer, either voluntarily 1445
or pursuant to a request or demand of the officer, and if the 1446
officer does not charge the person with a violation of this 1447
section or arrest the person for any offense, the person is not 1448
otherwise prohibited by law from possessing the firearm, and the 1449
firearm is not contraband, the officer shall return the firearm 1450
to the person at the termination of the stop. If a court orders 1451
a law enforcement officer to return a firearm to a person 1452
pursuant to the requirement set forth in this division, division 1453
(B) of section 2923.163 of the Revised Code applies. 1454

(K) As used in this section: 1455

(1) "Motor vehicle," "street," and "highway" have the same 1456
meanings as in section 4511.01 of the Revised Code. 1457

(2) "Occupied structure" has the same meaning as in 1458
section 2909.01 of the Revised Code. 1459

(3) "Agriculture" has the same meaning as in section 1460
519.01 of the Revised Code. 1461

(4) "Tenant" has the same meaning as in section 1531.01 of 1462
the Revised Code. 1463

(5) (a) "Unloaded" means, with respect to a firearm other 1464
than a firearm described in division (K) (6) of this section, 1465
that no ammunition is in the firearm in question, no magazine or 1466
speed loader containing ammunition is inserted into the firearm 1467
in question, and one of the following applies: 1468

(i) There is no ammunition in a magazine or speed loader 1469
that is in the vehicle in question and that may be used with the 1470
firearm in question. 1471

(ii) Any magazine or speed loader that contains ammunition 1472
and that may be used with the firearm in question is stored in a 1473
compartment within the vehicle in question that cannot be 1474
accessed without leaving the vehicle or is stored in a container 1475
that provides complete and separate enclosure. 1476

(b) For the purposes of division (K) (5) (a) (ii) of this 1477
section, a "container that provides complete and separate 1478
enclosure" includes, but is not limited to, any of the 1479
following: 1480

(i) A package, box, or case with multiple compartments, as 1481
long as the loaded magazine or speed loader and the firearm in 1482
question either are in separate compartments within the package, 1483
box, or case, or, if they are in the same compartment, the 1484
magazine or speed loader is contained within a separate 1485
enclosure in that compartment that does not contain the firearm 1486
and that closes using a snap, button, buckle, zipper, hook and 1487
loop closing mechanism, or other fastener that must be opened to 1488
access the contents or the firearm is contained within a 1489
separate enclosure of that nature in that compartment that does 1490
not contain the magazine or speed loader; 1491

(ii) A pocket or other enclosure on the person of the 1492
person in question that closes using a snap, button, buckle, 1493
zipper, hook and loop closing mechanism, or other fastener that 1494
must be opened to access the contents. 1495

(c) For the purposes of divisions (K) (5) (a) and (b) of 1496
this section, ammunition held in stripper-clips or in en-bloc 1497

clips is not considered ammunition that is loaded into a 1498
magazine or speed loader. 1499

(6) "Unloaded" means, with respect to a firearm employing 1500
a percussion cap, flintlock, or other obsolete ignition system, 1501
when the weapon is uncapped or when the priming charge is 1502
removed from the pan. 1503

(7) "Commercial motor vehicle" has the same meaning as in 1504
division (A) of section 4506.25 of the Revised Code. 1505

(8) "Motor carrier enforcement unit" means the motor 1506
carrier enforcement unit in the department of public safety, 1507
division of state highway patrol, that is created by section 1508
5503.34 of the Revised Code. 1509

(L) Divisions (K) (5) (a) and (b) of this section do not 1510
affect the authority of a person who is carrying a valid 1511
concealed handgun license to have one or more magazines or speed 1512
loaders containing ammunition anywhere in a vehicle, without 1513
being transported as described in those divisions, as long as no 1514
ammunition is in a firearm, other than a handgun, in the vehicle 1515
other than as permitted under any other provision of this 1516
chapter. A person who is carrying a valid concealed handgun 1517
license may have one or more magazines or speed loaders 1518
containing ammunition anywhere in a vehicle without further 1519
restriction, as long as no ammunition is in a firearm, other 1520
than a handgun, in the vehicle other than as permitted under any 1521
provision of this chapter. 1522

Sec. 2953.37. (A) As used in this section: 1523

(1) "Expunge" means to destroy, delete, and erase a record 1524
as appropriate for the record's physical or electronic form or 1525
characteristic so that the record is permanently irretrievable. 1526

(2) "Official records" has the same meaning as in section 1527
2953.51 of the Revised Code. 1528

(3) "Prosecutor" has the same meaning as in section 1529
2953.31 of the Revised Code. 1530

(4) "Record of conviction" means the record related to a 1531
conviction of or plea of guilty to an offense. 1532

(B) Any person who is convicted of, was convicted of, 1533
pleads guilty to, or has pleaded guilty to a violation of 1534
division (B), (C), or (E) of section 2923.16 of the Revised Code 1535
as the division existed prior to September 30, 2011, and who is 1536
authorized by division (H) (2) (a) of that section to file an 1537
application under this section for the expungement of the 1538
conviction record may apply to the sentencing court for the 1539
expungement of the record of conviction. The person may file the 1540
application at any time on or after September 30, 2011. The 1541
application shall do all of the following: 1542

(1) Identify the applicant, the offense for which the 1543
expungement is sought, the date of the conviction of or plea of 1544
guilty to that offense, and the court in which the conviction 1545
occurred or the plea of guilty was entered; 1546

(2) Include evidence that the offense was a violation of 1547
division (B), (C), or (E) of section 2923.16 of the Revised Code 1548
as the division existed prior to September 30, 2011, and that 1549
the applicant is authorized by division (H) (2) (a) of that 1550
section to file an application under this section; 1551

(3) Include a request for expungement of the record of 1552
conviction of that offense under this section. 1553

(C) Upon the filing of an application under division (B) 1554
of this section and the payment of the fee described in division 1555

(D) (3) of this section if applicable, the court shall set a date 1556
for a hearing and shall notify the prosecutor for the case of 1557
the hearing on the application. The prosecutor may object to the 1558
granting of the application by filing an objection with the 1559
court prior to the date set for the hearing. The prosecutor 1560
shall specify in the objection the reasons for believing a 1561
denial of the application is justified. The court shall direct 1562
its regular probation officer, a state probation officer, or the 1563
department of probation of the county in which the applicant 1564
resides to make inquiries and written reports as the court 1565
requires concerning the applicant. The court shall hold the 1566
hearing scheduled under this division. 1567

(D) (1) At the hearing held under division (C) of this 1568
section, the court shall do each of the following: 1569

(a) Determine whether the applicant has been convicted of 1570
or pleaded guilty to a violation of division (E) of section 1571
2923.16 of the Revised Code as the division existed prior to 1572
September 30, 2011, and whether the conduct that was the basis 1573
of the violation no longer would be a violation of that division 1574
on or after September 30, 2011; 1575

(b) Determine whether the applicant has been convicted of 1576
or pleaded guilty to a violation of division (B) or (C) of 1577
section 2923.16 of the Revised Code as the division existed 1578
prior to September 30, 2011, and whether the conduct that was 1579
the basis of the violation no longer would be a violation of 1580
that division on or after September 30, 2011, due to the 1581
application of division (F) (5) of that section as it exists on 1582
and after September 30, 2011; 1583

(c) If the prosecutor has filed an objection in accordance 1584
with division (C) of this section, consider the reasons against 1585

granting the application specified by the prosecutor in the 1586
objection; 1587

(d) Weigh the interests of the applicant in having the 1588
records pertaining to the applicant's conviction or guilty plea 1589
expunged against the legitimate needs, if any, of the government 1590
to maintain those records. 1591

(2) (a) The court may order the expungement of all official 1592
records pertaining to the case and the deletion of all index 1593
references to the case and, if it does order the expungement, 1594
shall send notice of the order to each public office or agency 1595
that the court has reason to believe may have an official record 1596
pertaining to the case if the court, after complying with 1597
division (D) (1) of this section, determines both of the 1598
following: 1599

(i) That the applicant has been convicted of or pleaded 1600
guilty to a violation of division (E) of section 2923.16 of the 1601
Revised Code as it existed prior to September 30, 2011, and the 1602
conduct that was the basis of the violation no longer would be a 1603
violation of that division on or after September 30, 2011, or 1604
that the applicant has been convicted of or pleaded guilty to a 1605
violation of division (B) or (C) of section 2923.16 of the 1606
Revised Code as the division existed prior to September 30, 1607
2011, and the conduct that was the basis of the violation no 1608
longer would be a violation of that division on or after 1609
September 30, 2011, due to the application of division (F) (5) of 1610
that section as it exists on and after September 30, 2011; 1611

(ii) That the interests of the applicant in having the 1612
records pertaining to the applicant's conviction or guilty plea 1613
expunged are not outweighed by any legitimate needs of the 1614
government to maintain those records. 1615

(b) The proceedings in the case that is the subject of an 1616
order issued under division (D) (2) (a) of this section shall be 1617
considered not to have occurred and the conviction or guilty 1618
plea of the person who is the subject of the proceedings shall 1619
be expunged. The record of the conviction shall not be used for 1620
any purpose, including, but not limited to, a criminal records 1621
check under section 109.572 of the Revised Code or a 1622
determination under section 2923.125 or ~~2923.1212~~ 2923.1213 of 1623
the Revised Code of eligibility for a concealed handgun license. 1624
The applicant may, and the court shall, reply that no record 1625
exists with respect to the applicant upon any inquiry into the 1626
matter. 1627

(3) Upon the filing of an application under this section, 1628
the applicant, unless indigent, shall pay a fee of fifty 1629
dollars. The court shall pay thirty dollars of the fee into the 1630
state treasury and shall pay twenty dollars of the fee into the 1631
county general revenue fund. 1632

Section 2. That existing sections 307.932, 2307.601, 1633
2901.05, 2901.09, 2923.12, 2923.126, 2923.16, and 2953.37 and 1634
section 2923.1212 of the Revised Code are hereby repealed. 1635