

**As Reported by the House Federalism and Interstate Relations Committee**

**132nd General Assembly**

**Regular Session**

**2017-2018**

**Sub. H. B. No. 233**

**Representative Becker**

**Cosponsors: Representatives Antani, Arndt, Blessing, Brenner, Brinkman, Butler, Carfagna, Dean, Dever, Duffey, Faber, Gavarone, Ginter, Goodman, Greenspan, Hagan, Hambley, Henne, Hill, Hood, Householder, Huffman, Keller, Kick, Koehler, Landis, LaTourette, Lipps, McColley, Merrin, Patton, Pelanda, Perales, Rezabek, Riedel, Roegner, Romanchuk, Speaker Rosenberger, Representatives Schaffer, Scherer, Schuring, Seitz, Slaby, Smith, R., Sprague, Stein, Thompson, Vitale, Wiggam, Young, Zeltwanger, Retherford**

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**A BILL**

To amend sections 2923.11, 2923.12, 2923.121, 1  
2923.122, 2923.123, 2923.126, and 2923.1212 and 2  
to enact section 2923.1214 of the Revised Code 3  
to enact the "Decriminalization Effort For 4  
Ending Notorious Deaths (DEFEND)" to provide an 5  
opportunity for a concealed handgun licensee or 6  
qualified military member to avoid charges for 7  
carrying a deadly weapon into a prohibited place 8  
if the person leaves upon request, and to 9  
penalize failure to leave upon request or 10  
returning with a firearm. 11

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

**Section 1.** That sections 2923.11, 2923.12, 2923.121, 12  
2923.122, 2923.123, 2923.126, and 2923.1212 be amended and 13  
section 2923.1214 of the Revised Code be enacted to read as 14

follows: 15

**Sec. 2923.11.** As used in sections 2923.11 to 2923.24 of 16  
the Revised Code: 17

(A) "Deadly weapon" means any instrument, device, or thing 18  
capable of inflicting death, and designed or specially adapted 19  
for use as a weapon, or possessed, carried, or used as a weapon. 20

(B) (1) "Firearm" means any deadly weapon capable of 21  
expelling or propelling one or more projectiles by the action of 22  
an explosive or combustible propellant. "Firearm" includes an 23  
unloaded firearm, and any firearm that is inoperable but that 24  
can readily be rendered operable. 25

(2) When determining whether a firearm is capable of 26  
expelling or propelling one or more projectiles by the action of 27  
an explosive or combustible propellant, the trier of fact may 28  
rely upon circumstantial evidence, including, but not limited 29  
to, the representations and actions of the individual exercising 30  
control over the firearm. 31

(C) "Handgun" means any of the following: 32

(1) Any firearm that has a short stock and is designed to 33  
be held and fired by the use of a single hand; 34

(2) Any combination of parts from which a firearm of a 35  
type described in division (C) (1) of this section can be 36  
assembled. 37

(D) "Semi-automatic firearm" means any firearm designed or 38  
specially adapted to fire a single cartridge and automatically 39  
chamber a succeeding cartridge ready to fire, with a single 40  
function of the trigger. 41

(E) "Automatic firearm" means any firearm designed or 42

43 specially adapted to fire a succession of cartridges with a  
44 single function of the trigger.

45 (F) "Sawed-off firearm" means a shotgun with a barrel less  
46 than eighteen inches long, or a rifle with a barrel less than  
47 sixteen inches long, or a shotgun or rifle less than twenty-six  
48 inches long overall.

49 (G) "Zip-gun" means any of the following:

50 (1) Any firearm of crude and extemporized manufacture;

51 (2) Any device, including without limitation a starter's  
52 pistol, that is not designed as a firearm, but that is specially  
53 adapted for use as a firearm;

54 (3) Any industrial tool, signalling device, or safety  
55 device, that is not designed as a firearm, but that as designed  
56 is capable of use as such, when possessed, carried, or used as a  
57 firearm.

58 (H) "Explosive device" means any device designed or  
59 specially adapted to cause physical harm to persons or property  
60 by means of an explosion, and consisting of an explosive  
61 substance or agency and a means to detonate it. "Explosive  
62 device" includes without limitation any bomb, any explosive  
63 demolition device, any blasting cap or detonator containing an  
64 explosive charge, and any pressure vessel that has been  
65 knowingly tampered with or arranged so as to explode.

66 (I) "Incendiary device" means any firebomb, and any device  
67 designed or specially adapted to cause physical harm to persons  
68 or property by means of fire, and consisting of an incendiary  
69 substance or agency and a means to ignite it.

70 (J) "Ballistic knife" means a knife with a detachable

blade that is propelled by a spring-operated mechanism. 71

(K) "Dangerous ordnance" means any of the following, 72  
except as provided in division (L) of this section: 73

(1) Any automatic or sawed-off firearm, zip-gun, or 74  
ballistic knife; 75

(2) Any explosive device or incendiary device; 76

(3) Nitroglycerin, nitrocellulose, nitrostarch, PETN, 77  
cyclonite, TNT, picric acid, and other high explosives; amatol, 78  
tritonite, tetrytol, pentolite, pecretol, cyclotol, and other 79  
high explosive compositions; plastic explosives; dynamite, 80  
blasting gelatin, gelatin dynamite, sensitized ammonium nitrate, 81  
liquid-oxygen blasting explosives, blasting powder, and other 82  
blasting agents; and any other explosive substance having 83  
sufficient brisance or power to be particularly suitable for use 84  
as a military explosive, or for use in mining, quarrying, 85  
excavating, or demolitions; 86

(4) Any firearm, rocket launcher, mortar, artillery piece, 87  
grenade, mine, bomb, torpedo, or similar weapon, designed and 88  
manufactured for military purposes, and the ammunition for that 89  
weapon; 90

(5) Any firearm muffler or suppressor; 91

(6) Any combination of parts that is intended by the owner 92  
for use in converting any firearm or other device into a 93  
dangerous ordnance. 94

(L) "Dangerous ordnance" does not include any of the 95  
following: 96

(1) Any firearm, including a military weapon and the 97  
ammunition for that weapon, and regardless of its actual age, 98

that employs a percussion cap or other obsolete ignition system, 99  
or that is designed and safe for use only with black powder; 100

(2) Any pistol, rifle, or shotgun, designed or suitable 101  
for sporting purposes, including a military weapon as issued or 102  
as modified, and the ammunition for that weapon, unless the 103  
firearm is an automatic or sawed-off firearm; 104

(3) Any cannon or other artillery piece that, regardless 105  
of its actual age, is of a type in accepted use prior to 1887, 106  
has no mechanical, hydraulic, pneumatic, or other system for 107  
absorbing recoil and returning the tube into battery without 108  
displacing the carriage, and is designed and safe for use only 109  
with black powder; 110

(4) Black powder, priming quills, and percussion caps 111  
possessed and lawfully used to fire a cannon of a type defined 112  
in division (L) (3) of this section during displays, 113  
celebrations, organized matches or shoots, and target practice, 114  
and smokeless and black powder, primers, and percussion caps 115  
possessed and lawfully used as a propellant or ignition device 116  
in small-arms or small-arms ammunition; 117

(5) Dangerous ordnance that is inoperable or inert and 118  
cannot readily be rendered operable or activated, and that is 119  
kept as a trophy, souvenir, curio, or museum piece. 120

(6) Any device that is expressly excepted from the 121  
definition of a destructive device pursuant to the "Gun Control 122  
Act of 1968," 82 Stat. 1213, 18 U.S.C. 921(a) (4), as amended, 123  
and regulations issued under that act. 124

(M) "Explosive" means any chemical compound, mixture, or 125  
device, the primary or common purpose of which is to function by 126  
explosion. "Explosive" includes all materials that have been 127

classified as division 1.1, division 1.2, division 1.3, or 128  
division 1.4 explosives by the United States department of 129  
transportation in its regulations and includes, but is not 130  
limited to, dynamite, black powder, pellet powders, initiating 131  
explosives, blasting caps, electric blasting caps, safety fuses, 132  
fuse igniters, squibs, cordeau detonant fuses, instantaneous 133  
fuses, and igniter cords and igniters. "Explosive" does not 134  
include "fireworks," as defined in section 3743.01 of the 135  
Revised Code, or any substance or material otherwise meeting the 136  
definition of explosive set forth in this section that is 137  
manufactured, sold, possessed, transported, stored, or used in 138  
any activity described in section 3743.80 of the Revised Code, 139  
provided the activity is conducted in accordance with all 140  
applicable laws, rules, and regulations, including, but not 141  
limited to, the provisions of section 3743.80 of the Revised 142  
Code and the rules of the fire marshal adopted pursuant to 143  
section 3737.82 of the Revised Code. 144

(N) (1) "Concealed handgun license" or "license to carry a 145  
concealed handgun" means, subject to division (N) (2) of this 146  
section, a license or temporary emergency license to carry a 147  
concealed handgun issued under section 2923.125 or 2923.1213 of 148  
the Revised Code or a license to carry a concealed handgun 149  
issued by another state with which the attorney general has 150  
entered into a reciprocity agreement under section 109.69 of the 151  
Revised Code. 152

(2) A reference in any provision of the Revised Code to a 153  
concealed handgun license issued under section 2923.125 of the 154  
Revised Code or a license to carry a concealed handgun issued 155  
under section 2923.125 of the Revised Code means only a license 156  
of the type that is specified in that section. A reference in 157  
any provision of the Revised Code to a concealed handgun license 158

issued under section 2923.1213 of the Revised Code, a license to 159  
carry a concealed handgun issued under section 2923.1213 of the 160  
Revised Code, or a license to carry a concealed handgun on a 161  
temporary emergency basis means only a license of the type that 162  
is specified in section 2923.1213 of the Revised Code. A 163  
reference in any provision of the Revised Code to a concealed 164  
handgun license issued by another state or a license to carry a 165  
concealed handgun issued by another state means only a license 166  
issued by another state with which the attorney general has 167  
entered into a reciprocity agreement under section 109.69 of the 168  
Revised Code. 169

(O) "Valid concealed handgun license" or "valid license to 170  
carry a concealed handgun" means a concealed handgun license 171  
that is currently valid, that is not under a suspension under 172  
division (A) (1) of section 2923.128 of the Revised Code, under 173  
section 2923.1213 of the Revised Code, or under a suspension 174  
provision of the state other than this state in which the 175  
license was issued, and that has not been revoked under division 176  
(B) (1) of section 2923.128 of the Revised Code, under section 177  
2923.1213 of the Revised Code, or under a revocation provision 178  
of the state other than this state in which the license was 179  
issued. 180

(P) "Misdemeanor punishable by imprisonment for a term 181  
exceeding one year" does not include any of the following: 182

(1) Any federal or state offense pertaining to antitrust 183  
violations, unfair trade practices, restraints of trade, or 184  
other similar offenses relating to the regulation of business 185  
practices; 186

(2) Any misdemeanor offense punishable by a term of 187  
imprisonment of two years or less. 188

(Q) "Alien registration number" means the number issued by 189  
the United States citizenship and immigration services agency 190  
that is located on the alien's permanent resident card and may 191  
also be commonly referred to as the "USCIS number" or the "alien 192  
number." 193

(R) "Active duty" has the same meaning as defined in 10 194  
U.S.C. 101. 195

(S) "Qualified military member" means an active duty 196  
member of the armed forces of the United States who is carrying 197  
a valid military identification card and documentation of 198  
successful completion of firearms training that meets or exceeds 199  
the training requirements described in division (G) (1) of 200  
section 2923.125 of the Revised Code. 201

**Sec. 2923.12.** (A) No person shall knowingly carry or have, 202  
concealed on the person's person or concealed ready at hand, any 203  
of the following: 204

(1) A deadly weapon other than a handgun; 205

(2) A handgun other than a dangerous ordnance; 206

(3) A dangerous ordnance. 207

(B) No person who has been issued a concealed handgun 208  
license shall do any of the following: 209

(1) If the person is stopped for a law enforcement purpose 210  
and is carrying a concealed handgun, fail to promptly inform any 211  
law enforcement officer who approaches the person after the 212  
person has been stopped that the person has been issued a 213  
concealed handgun license and that the person then is carrying a 214  
concealed handgun; 215

(2) If the person is stopped for a law enforcement purpose 216



and is carrying a concealed handgun, knowingly fail to keep the 217  
person's hands in plain sight at any time after any law 218  
enforcement officer begins approaching the person while stopped 219  
and before the law enforcement officer leaves, unless the 220  
failure is pursuant to and in accordance with directions given 221  
by a law enforcement officer; 222

(3) If the person is stopped for a law enforcement 223  
purpose, if the person is carrying a concealed handgun, and if 224  
the person is approached by any law enforcement officer while 225  
stopped, knowingly remove or attempt to remove the loaded 226  
handgun from the holster, pocket, or other place in which the 227  
person is carrying it, knowingly grasp or hold the loaded 228  
handgun, or knowingly have contact with the loaded handgun by 229  
touching it with the person's hands or fingers at any time after 230  
the law enforcement officer begins approaching and before the 231  
law enforcement officer leaves, unless the person removes, 232  
attempts to remove, grasps, holds, or has contact with the 233  
loaded handgun pursuant to and in accordance with directions 234  
given by the law enforcement officer; 235

(4) If the person is stopped for a law enforcement purpose 236  
and is carrying a concealed handgun, knowingly disregard or fail 237  
to comply with any lawful order of any law enforcement officer 238  
given while the person is stopped, including, but not limited 239  
to, a specific order to the person to keep the person's hands in 240  
plain sight. 241

(C) (1) This section does not apply to any of the 242  
following: 243

(a) An officer, agent, or employee of this or any other 244  
state or the United States, or to a law enforcement officer, who 245  
is authorized to carry concealed weapons or dangerous ordnance 246

or is authorized to carry handguns and is acting within the 247  
scope of the officer's, agent's, or employee's duties; 248

(b) Any person who is employed in this state, who is 249  
authorized to carry concealed weapons or dangerous ordnance or 250  
is authorized to carry handguns, and who is subject to and in 251  
compliance with the requirements of section 109.801 of the 252  
Revised Code, unless the appointing authority of the person has 253  
expressly specified that the exemption provided in division (C) 254  
(1) (b) of this section does not apply to the person; 255

(c) A person's transportation or storage of a firearm, 256  
other than a firearm described in divisions (G) to (M) of 257  
section 2923.11 of the Revised Code, in a motor vehicle for any 258  
lawful purpose if the firearm is not on the actor's person; 259

(d) A person's storage or possession of a firearm, other 260  
than a firearm described in divisions (G) to (M) of section 261  
2923.11 of the Revised Code, in the actor's own home for any 262  
lawful purpose. 263

(2) Division (A) (2) of this section does not apply to any 264  
person who, at the time of the alleged carrying or possession of 265  
a handgun, either is carrying a valid concealed handgun license 266  
or is an active duty member of the armed forces of the United 267  
States and is carrying a valid military identification card and 268  
documentation of successful completion of firearms training that 269  
meets or exceeds the training requirements described in division 270  
(G) (1) of section 2923.125 of the Revised Code, unless the 271  
person knowingly is in a place described in division (B) of 272  
section 2923.126 of the Revised Code. 273

(D) It is an affirmative defense to a charge under 274  
division (A) (1) of this section of carrying or having control of 275

a weapon other than a handgun and other than a dangerous  
ordnance that the actor was not otherwise prohibited by law from  
having the weapon and that any of the following applies:

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

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

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

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

(F) (1) ~~Whoever~~ Except as provided in division (F) (4) of  
this section, whoever violates this section is guilty of  
carrying concealed weapons. Except as otherwise provided in this  
division or divisions (F) (2), ~~(6) (7)~~, and ~~(7) (8)~~ of this  
section, carrying concealed weapons in violation of division (A)  
of this section is a misdemeanor of the first degree. Except as  
otherwise provided in this division or divisions (F) (2), ~~(6) (7)~~,  
and ~~(7) (8)~~ of this section, if the offender previously has been

convicted of a violation of this section or of any offense of 305  
violence, if the weapon involved is a firearm that is either 306  
loaded or for which the offender has ammunition ready at hand, 307  
or if the weapon involved is dangerous ordnance, carrying 308  
concealed weapons in violation of division (A) of this section 309  
is a felony of the fourth degree. Except as otherwise provided 310  
in divisions (F) (2) and ~~(6)~~ (7) of this section, if the offense 311  
is committed aboard an aircraft, or with purpose to carry a 312  
concealed weapon aboard an aircraft, regardless of the weapon 313  
involved, carrying concealed weapons in violation of division 314  
(A) of this section is a felony of the third degree. 315

(2) Except as provided in division (F) ~~(6)~~ (7) of this 316  
section, if a person being arrested for a violation of division 317  
(A) (2) of this section promptly produces a valid concealed 318  
handgun license, and if at the time of the violation the person 319  
was not knowingly in a place described in division (B) of 320  
section 2923.126 of the Revised Code, the officer shall not 321  
arrest the person for a violation of that division. If the 322  
person is not able to promptly produce any concealed handgun 323  
license and if the person is not in a place described in that 324  
section, the officer may arrest the person for a violation of 325  
that division, and the offender shall be punished as follows: 326

(a) The offender shall be guilty of a minor misdemeanor if 327  
both of the following apply: 328

(i) Within ten days after the arrest, the offender 329  
presents a concealed handgun license, which license was valid at 330  
the time of the arrest to the law enforcement agency that 331  
employs the arresting officer. 332

(ii) At the time of the arrest, the offender was not 333  
knowingly in a place described in division (B) of section 334

2923.126 of the Revised Code. 335

(b) The offender shall be guilty of a misdemeanor and 336  
shall be fined five hundred dollars if all of the following 337  
apply: 338

(i) The offender previously had been issued a concealed 339  
handgun license, and that license expired within the two years 340  
immediately preceding the arrest. 341

(ii) Within forty-five days after the arrest, the offender 342  
presents a concealed handgun license to the law enforcement 343  
agency that employed the arresting officer, and the offender 344  
waives in writing the offender's right to a speedy trial on the 345  
charge of the violation that is provided in section 2945.71 of 346  
the Revised Code. 347

(iii) At the time of the commission of the offense, the 348  
offender was not knowingly in a place described in division (B) 349  
of section 2923.126 of the Revised Code. 350

(c) If divisions (F) (2) (a) and (b) and (F) ~~(6)~~ (7) of this 351  
section do not apply, the offender shall be punished under 352  
division (F) (1) or ~~(7)~~ (8) of this section. 353

(3) Except as otherwise provided in this division, 354  
carrying concealed weapons in violation of division (B) (1) of 355  
this section is a misdemeanor of the first degree, and, in 356  
addition to any other penalty or sanction imposed for a 357  
violation of division (B) (1) of this section, the offender's 358  
concealed handgun license shall be suspended pursuant to 359  
division (A) (2) of section 2923.128 of the Revised Code. If, at 360  
the time of the stop of the offender for a law enforcement 361  
purpose that was the basis of the violation, any law enforcement 362  
officer involved with the stop had actual knowledge that the 363

offender has been issued a concealed handgun license, carrying 364  
concealed weapons in violation of division (B)(1) of this 365  
section is a minor misdemeanor, and the offender's concealed 366  
handgun license shall not be suspended pursuant to division (A) 367  
(2) of section 2923.128 of the Revised Code. 368

(4) A person who has a valid concealed handgun license or 369  
who is a qualified military member and who is discovered 370  
carrying a concealed deadly weapon onto land or premises in 371  
violation of division (A) of this section is subject to removal 372  
from the premises but is not guilty of carrying concealed 373  
weapons. If the person refuses or fails to leave the premises 374  
upon being requested to do so by the individual in control of 375  
the premises or by that individual's agent or employee, or 376  
returns within thirty days to the same land or premises while 377  
knowingly in possession of a deadly weapon in violation of this 378  
section, the person is guilty of criminal trespass with a deadly 379  
weapon, as described in section 2923.1214 of the Revised Code. 380

(5) Carrying concealed weapons in violation of division 381  
(B) (2) or (4) of this section is a misdemeanor of the first 382  
degree or, if the offender previously has been convicted of or 383  
pleaded guilty to a violation of division (B) (2) or (4) of this 384  
section, a felony of the fifth degree. In addition to any other 385  
penalty or sanction imposed for a misdemeanor violation of 386  
division (B) (2) or (4) of this section, the offender's concealed 387  
handgun license shall be suspended pursuant to division (A) (2) 388  
of section 2923.128 of the Revised Code. 389

~~(5)~~(6) Carrying concealed weapons in violation of 390  
division (B) (3) of this section is a felony of the fifth degree. 391

~~(6)~~(7) If a person being arrested for a violation of 392  
division (A) (2) of this section is an active duty member of the 393

armed forces of the United States and is carrying a valid 394  
military identification card and documentation of successful 395  
completion of firearms training that meets or exceeds the 396  
training requirements described in division (G) (1) of section 397  
2923.125 of the Revised Code, and if at the time of the 398  
violation the person was not knowingly in a place described in 399  
division (B) of section 2923.126 of the Revised Code, the 400  
officer shall not arrest the person for a violation of that 401  
division. If the person is not able to promptly produce a valid 402  
military identification card and documentation of successful 403  
completion of firearms training that meets or exceeds the 404  
training requirements described in division (G) (1) of section 405  
2923.125 of the Revised Code and if the person is not in a place 406  
described in division (B) of section 2923.126 of the Revised 407  
Code, the officer shall issue a citation and the offender shall 408  
be assessed a civil penalty of not more than five hundred 409  
dollars. The citation shall be automatically dismissed and the 410  
civil penalty shall not be assessed if both of the following 411  
apply: 412

(a) Within ten days after the issuance of the citation, 413  
the offender presents a valid military identification card and 414  
documentation of successful completion of firearms training that 415  
meets or exceeds the training requirements described in division 416  
(G) (1) of section 2923.125 of the Revised Code, which were both 417  
valid at the time of the issuance of the citation to the law 418  
enforcement agency that employs the citing officer. 419

(b) At the time of the citation, the offender was not 420  
knowingly in a place described in division (B) of section 421  
2923.126 of the Revised Code. 422

~~(7)~~ (8) If a person being arrested for a violation of 423

division (A) (2) of this section is knowingly in a place 424  
described in division (B) (5) of section 2923.126 of the Revised 425  
Code and is not authorized to carry a handgun or have a handgun 426  
concealed on the person's person or concealed ready at hand 427  
under that division, the penalty shall be as follows: 428

(a) Except as otherwise provided in this division, if the 429  
person produces a valid concealed handgun license within ten 430  
days after the arrest and has not previously been convicted or 431  
pleaded guilty to a violation of division (A) (2) of this 432  
section, the person is guilty of a minor misdemeanor; 433

(b) Except as otherwise provided in this division, if the 434  
person has previously been convicted of or pleaded guilty to a 435  
violation of division (A) (2) of this section, the person is 436  
guilty of a misdemeanor of the fourth degree; 437

(c) Except as otherwise provided in this division, if the 438  
person has previously been convicted of or pleaded guilty to two 439  
violations of division (A) (2) of this section, the person is 440  
guilty of a misdemeanor of the third degree; 441

(d) Except as otherwise provided in this division, if the 442  
person has previously been convicted of or pleaded guilty to 443  
three or more violations of division (A) (2) of this section, or 444  
convicted of or pleaded guilty to any offense of violence, if 445  
the weapon involved is a firearm that is either loaded or for 446  
which the offender has ammunition ready at hand, or if the 447  
weapon involved is a dangerous ordnance, the person is guilty of 448  
a misdemeanor of the second degree. 449

(G) If a law enforcement officer stops a person to 450  
question the person regarding a possible violation of this 451  
section, for a traffic stop, or for any other law enforcement 452



purpose, if the person surrenders a firearm to the officer, 453  
either voluntarily or pursuant to a request or demand of the 454  
officer, and if the officer does not charge the person with a 455  
violation of this section or arrest the person for any offense, 456  
the person is not otherwise prohibited by law from possessing 457  
the firearm, and the firearm is not contraband, the officer 458  
shall return the firearm to the person at the termination of the 459  
stop. If a court orders a law enforcement officer to return a 460  
firearm to a person pursuant to the requirement set forth in 461  
this division, division (B) of section 2923.163 of the Revised 462  
Code applies. 463

**Sec. 2923.121.** (A) No person shall possess a firearm in 464  
any room in which any person is consuming beer or intoxicating 465  
liquor in a premises for which a D permit has been issued under 466  
Chapter 4303. of the Revised Code or in an open air arena for 467  
which a permit of that nature has been issued. 468

(B)(1) This section does not apply to any of the 469  
following: 470

(a) An officer, agent, or employee of this or any other 471  
state or the United States, or to a law enforcement officer, who 472  
is authorized to carry firearms and is acting within the scope 473  
of the officer's, agent's, or employee's duties; 474

(b) Any person who is employed in this state, who is 475  
authorized to carry firearms, and who is subject to and in 476  
compliance with the requirements of section 109.801 of the 477  
Revised Code, unless the appointing authority of the person has 478  
expressly specified that the exemption provided in division (B) 479  
(1)(b) of this section does not apply to the person; 480

(c) Any room used for the accommodation of guests of a 481

hotel, as defined in section 4301.01 of the Revised Code; 482

(d) The principal holder of a D permit issued for a 483  
premises or an open air arena under Chapter 4303. of the Revised 484  
Code while in the premises or open air arena for which the 485  
permit was issued if the principal holder of the D permit also 486  
possesses a valid concealed handgun license and as long as the 487  
principal holder is not consuming beer or intoxicating liquor or 488  
under the influence of alcohol or a drug of abuse, or any agent 489  
or employee of that holder who also is a peace officer, as 490  
defined in section 2151.3515 of the Revised Code, who is off 491  
duty, and who otherwise is authorized to carry firearms while in 492  
the course of the officer's official duties and while in the 493  
premises or open air arena for which the permit was issued and 494  
as long as the agent or employee of that holder is not consuming 495  
beer or intoxicating liquor or under the influence of alcohol or 496  
a drug of abuse. 497

(e) Any person who is carrying a valid concealed handgun 498  
license or any person who is an active duty member of the armed 499  
forces of the United States and is carrying a valid military 500  
identification card and documentation of successful completion 501  
of firearms training that meets or exceeds the training 502  
requirements described in division (G) (1) of section 2923.125 of 503  
the Revised Code, as long as the person is not consuming beer or 504  
intoxicating liquor or under the influence of alcohol or a drug 505  
of abuse. 506

(2) This section does not prohibit any person who is a 507  
member of a veteran's organization, as defined in section 508  
2915.01 of the Revised Code, from possessing a rifle in any room 509  
in any premises owned, leased, or otherwise under the control of 510  
the veteran's organization, if the rifle is not loaded with live 511

ammunition and if the person otherwise is not prohibited by law 512  
from having the rifle. 513

(3) This section does not apply to any person possessing 514  
or displaying firearms in any room used to exhibit unloaded 515  
firearms for sale or trade in a soldiers' memorial established 516  
pursuant to Chapter 345. of the Revised Code, in a convention 517  
center, or in any other public meeting place, if the person is 518  
an exhibitor, trader, purchaser, or seller of firearms and is 519  
not otherwise prohibited by law from possessing, trading, 520  
purchasing, or selling the firearms. 521

(C) It is an affirmative defense to a charge under this 522  
section of illegal possession of a firearm in a liquor permit 523  
premises that involves the possession of a firearm other than a 524  
handgun, that the actor was not otherwise prohibited by law from 525  
having the firearm, and that any of the following apply: 526

(1) The firearm was carried or kept ready at hand by the 527  
actor for defensive purposes, while the actor was engaged in or 528  
was going to or from the actor's lawful business or occupation, 529  
which business or occupation was of such character or was 530  
necessarily carried on in such manner or at such a time or place 531  
as to render the actor particularly susceptible to criminal 532  
attack, such as would justify a prudent person in going armed. 533

(2) The firearm was carried or kept ready at hand by the 534  
actor for defensive purposes, while the actor was engaged in a 535  
lawful activity, and had reasonable cause to fear a criminal 536  
attack upon the actor or a member of the actor's family, or upon 537  
the actor's home, such as would justify a prudent person in 538  
going armed. 539

(D) No person who is charged with a violation of this 540

section shall be required to obtain a concealed handgun license 541  
as a condition for the dismissal of the charge. 542

(E) ~~Whoever~~ (1) Except as provided in division (E) (2) of 543  
this section, whoever violates this section is guilty of illegal 544  
possession of a firearm in a liquor permit premises. Except as 545  
otherwise provided in this division, illegal possession of a 546  
firearm in a liquor permit premises is a felony of the fifth 547  
degree. If the offender commits the violation of this section by 548  
knowingly carrying or having the firearm concealed on the 549  
offender's person or concealed ready at hand, illegal possession 550  
of a firearm in a liquor permit premises is a felony of the 551  
third degree. 552

(2) A person who has a valid concealed handgun license or 553  
who is a qualified military member and who is discovered 554  
carrying a firearm onto premises in violation of this section is 555  
subject to removal from the premises but is not guilty of 556  
illegal possession of a firearm in a liquor permit premises. If 557  
the person refuses or fails to leave the premises upon being 558  
requested to do so by the owner, lessee, or person in control of 559  
the premises or by that individual's agent or employee, or 560  
returns within thirty days to the same premises while knowingly 561  
in possession of a firearm in violation of this section, the 562  
person is guilty of criminal trespass with a deadly weapon, as 563  
described in section 2923.1214 of the Revised Code. 564

(F) As used in this section, "beer" and "intoxicating 565  
liquor" have the same meanings as in section 4301.01 of the 566  
Revised Code. 567

**Sec. 2923.122.** (A) No person shall knowingly convey, or 568  
attempt to convey, a deadly weapon or dangerous ordnance into a 569  
school safety zone. 570

(B) No person shall knowingly possess a deadly weapon or dangerous ordnance in a school safety zone. 571  
572

(C) No person shall knowingly possess an object in a school safety zone if both of the following apply: 573  
574

(1) The object is indistinguishable from a firearm, whether or not the object is capable of being fired. 575  
576

(2) The person indicates that the person possesses the object and that it is a firearm, or the person knowingly displays or brandishes the object and indicates that it is a firearm. 577  
578  
579  
580

(D) (1) This section does not apply to any of the following: 581  
582

(a) An officer, agent, or employee of this or any other state or the United States who is authorized to carry deadly weapons or dangerous ordnance and is acting within the scope of the officer's, agent's, or employee's duties, a law enforcement officer who is authorized to carry deadly weapons or dangerous ordnance, a security officer employed by a board of education or governing body of a school during the time that the security officer is on duty pursuant to that contract of employment, or any other person who has written authorization from the board of education or governing body of a school to convey deadly weapons or dangerous ordnance into a school safety zone or to possess a deadly weapon or dangerous ordnance in a school safety zone and who conveys or possesses the deadly weapon or dangerous ordnance in accordance with that authorization; 583  
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(b) Any person who is employed in this state, who is authorized to carry deadly weapons or dangerous ordnance, and who is subject to and in compliance with the requirements of 597  
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599

section 109.801 of the Revised Code, unless the appointing 600  
authority of the person has expressly specified that the 601  
exemption provided in division (D) (1) (b) of this section does 602  
not apply to the person. 603

(2) Division (C) of this section does not apply to 604  
premises upon which home schooling is conducted. Division (C) of 605  
this section also does not apply to a school administrator, 606  
teacher, or employee who possesses an object that is 607  
indistinguishable from a firearm for legitimate school purposes 608  
during the course of employment, a student who uses an object 609  
that is indistinguishable from a firearm under the direction of 610  
a school administrator, teacher, or employee, or any other 611  
person who with the express prior approval of a school 612  
administrator possesses an object that is indistinguishable from 613  
a firearm for a legitimate purpose, including the use of the 614  
object in a ceremonial activity, a play, reenactment, or other 615  
dramatic presentation, school safety training, or a ROTC 616  
activity or another similar use of the object. 617

(3) This section does not apply to a person who conveys or 618  
attempts to convey a handgun into, or possesses a handgun in, a 619  
school safety zone if, at the time of that conveyance, attempted 620  
conveyance, or possession of the handgun, all of the following 621  
apply: 622

(a) The person does not enter into a school building or 623  
onto school premises and is not at a school activity. 624

(b) The person is carrying a valid concealed handgun 625  
license or the person is an active duty member of the armed 626  
forces of the United States and is carrying a valid military 627  
identification card and documentation of successful completion 628  
of firearms training that meets or exceeds the training 629

requirements described in division (G) (1) of section 2923.125 of the Revised Code. 630  
631

(c) The person is in the school safety zone in accordance with 18 U.S.C. 922(q) (2) (B). 632  
633

(d) The person is not knowingly in a place described in division (B) (1) or (B) (3) to (8) of section 2923.126 of the Revised Code. 634  
635  
636

(4) This section does not apply to a person who conveys or attempts to convey a handgun into, or possesses a handgun in, a school safety zone if at the time of that conveyance, attempted conveyance, or possession of the handgun all of the following apply: 637  
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639  
640  
641

(a) The person is carrying a valid concealed handgun license or the person is an active duty member of the armed forces of the United States and is carrying a valid military identification card and documentation of successful completion of firearms training that meets or exceeds the training requirements described in division (G) (1) of section 2923.125 of the Revised Code. 642  
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(b) The person leaves the handgun in a motor vehicle. 649

(c) The handgun does not leave the motor vehicle. 650

(d) If the person exits the motor vehicle, the person locks the motor vehicle. 651  
652

(E) (1) ~~Whoever~~ (a) Except as provided in division (E) (1) (b) of this section, whoever violates division (A) or (B) of this section is guilty of illegal conveyance or possession of a deadly weapon or dangerous ordnance in a school safety zone. 653  
654  
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656  
Except as otherwise provided in this division, illegal 657

conveyance or possession of a deadly weapon or dangerous 658  
ordnance in a school safety zone is a felony of the fifth 659  
degree. If the offender previously has been convicted of a 660  
violation of this section, illegal conveyance or possession of a 661  
deadly weapon or dangerous ordnance in a school safety zone is a 662  
felony of the fourth degree. 663

(b) A person who has a valid concealed handgun license or 664  
who is a qualified military member and who is discovered 665  
carrying a deadly weapon in a school safety zone in violation of 666  
division (A) or (B) of this section is subject to removal from 667  
the school safety zone but is not guilty of illegal conveyance 668  
or possession of a deadly weapon or dangerous ordnance in a 669  
school safety zone. If the person refuses or fails to leave the 670  
school safety zone upon being requested to do so by the 671  
individual in control of the premises or by that individual's 672  
agent or employee, or returns within thirty days to the same 673  
school safety zone while knowingly in possession of a deadly 674  
weapon in violation of this section, the person is guilty of 675  
criminal trespass with a deadly weapon, as described in section 676  
2923.1214 of the Revised Code. 677

(2) Whoever violates division (C) of this section is 678  
guilty of illegal possession of an object indistinguishable from 679  
a firearm in a school safety zone. Except as otherwise provided 680  
in this division, illegal possession of an object 681  
indistinguishable from a firearm in a school safety zone is a 682  
misdemeanor of the first degree. If the offender previously has 683  
been convicted of a violation of this section, illegal 684  
possession of an object indistinguishable from a firearm in a 685  
school safety zone is a felony of the fifth degree. 686

(F) (1) In addition to any other penalty imposed upon a 687



person who is convicted of or pleads guilty to a violation of 688  
this section and subject to division (F) (2) of this section, if 689  
the offender has not attained nineteen years of age, regardless 690  
of whether the offender is attending or is enrolled in a school 691  
operated by a board of education or for which the state board of 692  
education prescribes minimum standards under section 3301.07 of 693  
the Revised Code, the court shall impose upon the offender a 694  
class four suspension of the offender's probationary driver's 695  
license, restricted license, driver's license, commercial 696  
driver's license, temporary instruction permit, or probationary 697  
commercial driver's license that then is in effect from the 698  
range specified in division (A) (4) of section 4510.02 of the 699  
Revised Code and shall deny the offender the issuance of any 700  
permit or license of that type during the period of the 701  
suspension. 702

If the offender is not a resident of this state, the court 703  
shall impose a class four suspension of the nonresident 704  
operating privilege of the offender from the range specified in 705  
division (A) (4) of section 4510.02 of the Revised Code. 706

(2) If the offender shows good cause why the court should 707  
not suspend one of the types of licenses, permits, or privileges 708  
specified in division (F) (1) of this section or deny the 709  
issuance of one of the temporary instruction permits specified 710  
in that division, the court in its discretion may choose not to 711  
impose the suspension, revocation, or denial required in that 712  
division, but the court, in its discretion, instead may require 713  
the offender to perform community service for a number of hours 714  
determined by the court. 715

(G) As used in this section, "object that is 716  
indistinguishable from a firearm" means an object made, 717

constructed, or altered so that, to a reasonable person without 718  
specialized training in firearms, the object appears to be a 719  
firearm. 720

**Sec. 2923.123.** (A) No person shall knowingly convey or 721  
attempt to convey a deadly weapon or dangerous ordnance into a 722  
courthouse or into another building or structure in which a 723  
courtroom is located. 724

(B) No person shall knowingly possess or have under the 725  
person's control a deadly weapon or dangerous ordnance in a 726  
courthouse or in another building or structure in which a 727  
courtroom is located. 728

(C) This section does not apply to any of the following: 729

(1) Except as provided in division (E) of this section, a 730  
judge of a court of record of this state or a magistrate; 731

(2) A peace officer, officer of a law enforcement agency, 732  
or person who is in either of the following categories: 733

(a) Except as provided in division (E) of this section, a 734  
peace officer, or an officer of a law enforcement agency of 735  
another state, a political subdivision of another state, or the 736  
United States, who is authorized to carry a deadly weapon or 737  
dangerous ordnance, who possesses or has under that individual's 738  
control a deadly weapon or dangerous ordnance as a requirement 739  
of that individual's duties, and who is acting within the scope 740  
of that individual's duties at the time of that possession or 741  
control; 742

(b) Except as provided in division (E) of this section, a 743  
person who is employed in this state, who is authorized to carry 744  
a deadly weapon or dangerous ordnance, who possesses or has 745  
under that individual's control a deadly weapon or dangerous 746

ordnance as a requirement of that person's duties, and who is 747  
subject to and in compliance with the requirements of section 748  
109.801 of the Revised Code, unless the appointing authority of 749  
the person has expressly specified that the exemption provided 750  
in division (C) (2) (b) of this section does not apply to the 751  
person. 752

(3) A person who conveys, attempts to convey, possesses, 753  
or has under the person's control a deadly weapon or dangerous 754  
ordnance that is to be used as evidence in a pending criminal or 755  
civil action or proceeding; 756

(4) Except as provided in division (E) of this section, a 757  
bailiff or deputy bailiff of a court of record of this state who 758  
is authorized to carry a firearm pursuant to section 109.77 of 759  
the Revised Code, who possesses or has under that individual's 760  
control a firearm as a requirement of that individual's duties, 761  
and who is acting within the scope of that individual's duties 762  
at the time of that possession or control; 763

(5) Except as provided in division (E) of this section, a 764  
prosecutor, or a secret service officer appointed by a county 765  
prosecuting attorney, who is authorized to carry a deadly weapon 766  
or dangerous ordnance in the performance of the individual's 767  
duties, who possesses or has under that individual's control a 768  
deadly weapon or dangerous ordnance as a requirement of that 769  
individual's duties, and who is acting within the scope of that 770  
individual's duties at the time of that possession or control; 771

(6) Except as provided in division (E) of this section, a 772  
person who conveys or attempts to convey a handgun into a 773  
courthouse or into another building or structure in which a 774  
courtroom is located, who, at the time of the conveyance or 775  
attempt, either is carrying a valid concealed handgun license or 776

is an active duty member of the armed forces of the United 777  
States and is carrying a valid military identification card and 778  
documentation of successful completion of firearms training that 779  
meets or exceeds the training requirements described in division 780  
(G) (1) of section 2923.125 of the Revised Code, and who 781  
transfers possession of the handgun to the officer or officer's 782  
designee who has charge of the courthouse or building. The 783  
officer shall secure the handgun until the licensee is prepared 784  
to leave the premises. The exemption described in this division 785  
applies only if the officer who has charge of the courthouse or 786  
building provides services of the nature described in this 787  
division. An officer who has charge of the courthouse or 788  
building is not required to offer services of the nature 789  
described in this division. 790

(D) (1) ~~Whoever~~ Except as provided in division (D) (3) of 791  
this section, whoever violates division (A) of this section is 792  
guilty of illegal conveyance of a deadly weapon or dangerous 793  
ordnance into a courthouse. Except as otherwise provided in this 794  
division, illegal conveyance of a deadly weapon or dangerous 795  
ordnance into a courthouse is a felony of the fifth degree. If 796  
the offender previously has been convicted of a violation of 797  
division (A) or (B) of this section, illegal conveyance of a 798  
deadly weapon or dangerous ordnance into a courthouse is a 799  
felony of the fourth degree. 800

(2) ~~Whoever~~ Except as provided in division (D) (3) of this 801  
section, whoever violates division (B) of this section is guilty 802  
of illegal possession or control of a deadly weapon or dangerous 803  
ordnance in a courthouse. Except as otherwise provided in this 804  
division, illegal possession or control of a deadly weapon or 805  
dangerous ordnance in a courthouse is a felony of the fifth 806  
degree. If the offender previously has been convicted of a 807

violation of division (A) or (B) of this section, illegal 808  
possession or control of a deadly weapon or dangerous ordnance 809  
in a courthouse is a felony of the fourth degree. 810

(3) A person who has a valid concealed handgun license or 811  
who is a qualified military member and who is discovered 812  
conveying, possessing, or controlling a deadly weapon in 813  
violation of division (A) or (B) of this section is subject to 814  
removal from the premises but is not guilty of illegal 815  
conveyance of a deadly weapon or dangerous ordnance into a 816  
courthouse or of illegal possession or control of a deadly 817  
weapon or dangerous ordnance in a courthouse, as applicable. If 818  
the person refuses or fails to leave the premises upon being 819  
requested to do so by the individual in control of the premises 820  
or by that individual's agent or employee, or returns within 821  
thirty days to the same premises while knowingly in possession 822  
of a deadly weapon in violation of this section, the person is 823  
guilty of criminal trespass with a deadly weapon, as described 824  
in section 2923.1214 of the Revised Code. 825

(E) The exemptions described in divisions (C) (1), (2) (a), 826  
(2) (b), (4), (5), and (6) of this section do not apply to any 827  
judge, magistrate, peace officer, officer of a law enforcement 828  
agency, bailiff, deputy bailiff, prosecutor, secret service 829  
officer, or other person described in any of those divisions if 830  
a rule of superintendence or another type of rule adopted by the 831  
supreme court pursuant to Article IV, Ohio Constitution, or an 832  
applicable local rule of court prohibits all persons from 833  
conveying or attempting to convey a deadly weapon or dangerous 834  
ordnance into a courthouse or into another building or structure 835  
in which a courtroom is located or from possessing or having 836  
under one's control a deadly weapon or dangerous ordnance in a 837  
courthouse or in another building or structure in which a 838

courtroom is located. 839

(F) As used in this section: 840

(1) "Magistrate" means an individual who is appointed by a 841  
court of record of this state and who has the powers and may 842  
perform the functions specified in Civil Rule 53, Criminal Rule 843  
19, or Juvenile Rule 40. 844

(2) "Peace officer" and "prosecutor" have the same 845  
meanings as in section 2935.01 of the Revised Code. 846

**Sec. 2923.126.** (A) A concealed handgun license that is 847  
issued under section 2923.125 of the Revised Code shall expire 848  
five years after the date of issuance. A licensee who has been 849  
issued a license under that section shall be granted a grace 850  
period of thirty days after the licensee's license expires 851  
during which the licensee's license remains valid. Except as 852  
provided in divisions (B) and (C) of this section, a licensee 853  
who has been issued a concealed handgun license under section 854  
2923.125 or 2923.1213 of the Revised Code may carry a concealed 855  
handgun anywhere in this state if the licensee also carries a 856  
valid license and valid identification when the licensee is in 857  
actual possession of a concealed handgun. The licensee shall 858  
give notice of any change in the licensee's residence address to 859  
the sheriff who issued the license within forty-five days after 860  
that change. 861

If a licensee is the driver or an occupant of a motor 862  
vehicle that is stopped as the result of a traffic stop or a 863  
stop for another law enforcement purpose and if the licensee is 864  
transporting or has a loaded handgun in the motor vehicle at 865  
that time, the licensee shall promptly inform any law 866  
enforcement officer who approaches the vehicle while stopped 867

that the licensee has been issued a concealed handgun license 868  
and that the licensee currently possesses or has a loaded 869  
handgun; the licensee shall not knowingly disregard or fail to 870  
comply with lawful orders of a law enforcement officer given 871  
while the motor vehicle is stopped, knowingly fail to remain in 872  
the motor vehicle while stopped, or knowingly fail to keep the 873  
licensee's hands in plain sight after any law enforcement 874  
officer begins approaching the licensee while stopped and before 875  
the officer leaves, unless directed otherwise by a law 876  
enforcement officer; and the licensee shall not knowingly have 877  
contact with the loaded handgun by touching it with the 878  
licensee's hands or fingers, in any manner in violation of 879  
division (E) of section 2923.16 of the Revised Code, after any 880  
law enforcement officer begins approaching the licensee while 881  
stopped and before the officer leaves. Additionally, if a 882  
licensee is the driver or an occupant of a commercial motor 883  
vehicle that is stopped by an employee of the motor carrier 884  
enforcement unit for the purposes defined in section 5503.34 of 885  
the Revised Code and if the licensee is transporting or has a 886  
loaded handgun in the commercial motor vehicle at that time, the 887  
licensee shall promptly inform the employee of the unit who 888  
approaches the vehicle while stopped that the licensee has been 889  
issued a concealed handgun license and that the licensee 890  
currently possesses or has a loaded handgun. 891

If a licensee is stopped for a law enforcement purpose and 892  
if the licensee is carrying a concealed handgun at the time the 893  
officer approaches, the licensee shall promptly inform any law 894  
enforcement officer who approaches the licensee while stopped 895  
that the licensee has been issued a concealed handgun license 896  
and that the licensee currently is carrying a concealed handgun; 897  
the licensee shall not knowingly disregard or fail to comply 898

with lawful orders of a law enforcement officer given while the 899  
licensee is stopped or knowingly fail to keep the licensee's 900  
hands in plain sight after any law enforcement officer begins 901  
approaching the licensee while stopped and before the officer 902  
leaves, unless directed otherwise by a law enforcement officer; 903  
and the licensee shall not knowingly remove, attempt to remove, 904  
grasp, or hold the loaded handgun or knowingly have contact with 905  
the loaded handgun by touching it with the licensee's hands or 906  
fingers, in any manner in violation of division (B) of section 907  
2923.12 of the Revised Code, after any law enforcement officer 908  
begins approaching the licensee while stopped and before the 909  
officer leaves. 910

(B) A valid concealed handgun license does not authorize 911  
the licensee to carry a concealed handgun in any manner 912  
prohibited under division (B) of section 2923.12 of the Revised 913  
Code or in any manner prohibited under section 2923.16 of the 914  
Revised Code. A valid license does not authorize the licensee to 915  
carry a concealed handgun into any of the following places: 916

(1) A police station, sheriff's office, or state highway 917  
patrol station, premises controlled by the bureau of criminal 918  
identification and investigation; a state correctional 919  
institution, jail, workhouse, or other detention facility; any 920  
area of an airport passenger terminal that is beyond a passenger 921  
or property screening checkpoint or to which access is 922  
restricted through security measures by the airport authority or 923  
a public agency; or an institution that is maintained, operated, 924  
managed, and governed pursuant to division (A) of section 925  
5119.14 of the Revised Code or division (A) (1) of section 926  
5123.03 of the Revised Code; 927

(2) A school safety zone if the licensee's carrying the 928



concealed handgun is in violation of section 2923.122 of the Revised Code;	929 930
(3) A courthouse or another building or structure in which a courtroom is located, in violation of section 2923.123 of the Revised Code;	931 932 933
(4) Any premises or open air arena for which a D permit has been issued under Chapter 4303. of the Revised Code if the licensee's carrying the concealed handgun is in violation of section 2923.121 of the Revised Code;	934 935 936 937
(5) Any premises owned or leased by any public or private college, university, or other institution of higher education, unless the handgun is in a locked motor vehicle or the licensee is in the immediate process of placing the handgun in a locked motor vehicle or unless the licensee is carrying the concealed handgun pursuant to a written policy, rule, or other authorization that is adopted by the institution's board of trustees or other governing body and that authorizes specific individuals or classes of individuals to carry a concealed handgun on the premises;	938 939 940 941 942 943 944 945 946 947
(6) Any church, synagogue, mosque, or other place of worship, unless the church, synagogue, mosque, or other place of worship posts or permits otherwise;	948 949 950
(7) Any building that is a government facility of this state or a political subdivision of this state and that is not a building that is used primarily as a shelter, restroom, parking facility for motor vehicles, or rest facility and is not a courthouse or other building or structure in which a courtroom is located that is subject to division (B)(3) of this section, unless the governing body with authority over the building has	951 952 953 954 955 956 957

enacted a statute, ordinance, or policy that permits ~~a licensee~~ 958  
all or certain specific licensees to carry a concealed handgun 959  
into the building or any portion of the building; 960

(8) A place in which federal law prohibits the carrying of 961  
handguns. 962

(C) (1) Nothing in this section shall negate or restrict a 963  
rule, policy, or practice of a private employer that is not a 964  
private college, university, or other institution of higher 965  
education concerning or prohibiting the presence of firearms on 966  
the private employer's premises or property, including motor 967  
vehicles owned by the private employer. Nothing in this section 968  
shall require a private employer of that nature to adopt a rule, 969  
policy, or practice concerning or prohibiting the presence of 970  
firearms on the private employer's premises or property, 971  
including motor vehicles owned by the private employer. 972

(2) (a) A private employer shall be immune from liability 973  
in a civil action for any injury, death, or loss to person or 974  
property that allegedly was caused by or related to a licensee 975  
bringing a handgun onto the premises or property of the private 976  
employer, including motor vehicles owned by the private 977  
employer, unless the private employer acted with malicious 978  
purpose. A private employer is immune from liability in a civil 979  
action for any injury, death, or loss to person or property that 980  
allegedly was caused by or related to the private employer's 981  
decision to permit a licensee to bring, or prohibit a licensee 982  
from bringing, a handgun onto the premises or property of the 983  
private employer. 984

(b) A political subdivision shall be immune from liability 985  
in a civil action, to the extent and in the manner provided in 986  
Chapter 2744. of the Revised Code, for any injury, death, or 987

loss to person or property that allegedly was caused by or 988  
related to a licensee bringing a handgun onto any premises or 989  
property owned, leased, or otherwise under the control of the 990  
political subdivision. As used in this division, "political 991  
subdivision" has the same meaning as in section 2744.01 of the 992  
Revised Code. 993

(c) An institution of higher education shall be immune 994  
from liability in a civil action for any injury, death, or loss 995  
to person or property that allegedly was caused by or related to 996  
a licensee bringing a handgun onto the premises of the 997  
institution, including motor vehicles owned by the institution, 998  
unless the institution acted with malicious purpose. An 999  
institution of higher education is immune from liability in a 1000  
civil action for any injury, death, or loss to person or 1001  
property that allegedly was caused by or related to the 1002  
institution's decision to permit a licensee or class of 1003  
licensees to bring a handgun onto the premises of the 1004  
institution. 1005

(3) (a) Except as provided in division (C) (3) (b) of this 1006  
section, the owner or person in control of private land or 1007  
premises, and a private person or entity leasing land or 1008  
premises owned by the state, the United States, or a political 1009  
subdivision of the state or the United States, may post a sign 1010  
in a conspicuous location on that land or on those premises 1011  
prohibiting persons from carrying firearms or concealed firearms 1012  
on or onto that land or those premises. Except as otherwise 1013  
provided in this division or division (C) (3) (c) of this section, 1014  
a person who knowingly violates a posted prohibition of that 1015  
nature is guilty of criminal trespass in violation of division 1016  
(A) (4) of section 2911.21 of the Revised Code and is guilty of a 1017  
misdemeanor of the fourth degree. ~~If~~ Except as provided in 1018

division (C) (3) (c) of this section, if a person knowingly 1019  
violates a posted prohibition of that nature and the posted land 1020  
or premises primarily was a parking lot or other parking 1021  
facility, the person is not guilty of criminal trespass under 1022  
section 2911.21 of the Revised Code or under any other criminal 1023  
law of this state or criminal law, ordinance, or resolution of a 1024  
political subdivision of this state, and instead is subject only 1025  
to a civil cause of action for trespass based on the violation. 1026

~~If~~ Except as provided in division (C) (3) (c) of this 1027  
section, if a person knowingly violates a posted prohibition of 1028  
the nature described in this division and the posted land or 1029  
premises is a child day-care center, type A family day-care 1030  
home, or type B family day-care home, unless the person is a 1031  
licensee who resides in a type A family day-care home or type B 1032  
family day-care home, the person is guilty of aggravated 1033  
trespass in violation of section 2911.211 of the Revised Code. 1034  
Except as otherwise provided in this division, the offender is 1035  
guilty of a misdemeanor of the first degree. If the person 1036  
previously has been convicted of a violation of this division or 1037  
of any offense of violence, if the weapon involved is a firearm 1038  
that is either loaded or for which the offender has ammunition 1039  
ready at hand, or if the weapon involved is dangerous ordnance, 1040  
the offender is guilty of a felony of the fourth degree. 1041

(b) A landlord may not prohibit or restrict a tenant who 1042  
is a licensee and who on or after September 9, 2008, enters into 1043  
a rental agreement with the landlord for the use of residential 1044  
premises, and the tenant's guest while the tenant is present, 1045  
from lawfully carrying or possessing a handgun on those 1046  
residential premises. 1047

(c) A person who has a valid concealed handgun license or 1048

who is a qualified military member who is discovered carrying a 1049  
deadly weapon onto land or premises in violation of a sign 1050  
posted under division (C) (3) (a) of this section is subject to 1051  
removal from the land or premises but is not guilty of criminal 1052  
trespass or aggravated trespass based on the violation and is 1053  
not subject to a civil cause of action for trespass based on the 1054  
violation. If the person refuses or fails to leave the land or 1055  
premises upon being requested to do so by the owner, lessee, or 1056  
person in control of the land or premises or by the individual's 1057  
agent or employee, or the person returns within thirty days to 1058  
the same land or premises while knowingly in possession of a 1059  
deadly weapon in violation of a sign posted under division (C) 1060  
(3) (a) of this section, the person is guilty of criminal 1061  
trespass with a deadly weapon, as described in section 2923.1214 1062  
of the Revised Code. 1063

(4) As used in division (C) (3) of this section: 1064

~~(i)~~ (a) "Residential premises" has the same meaning as in 1065  
section 5321.01 of the Revised Code, except "residential 1066  
premises" does not include a dwelling unit that is owned or 1067  
operated by a college or university. 1068

~~(ii)~~ (b) "Landlord," "tenant," and "rental agreement" have 1069  
the same meanings as in section 5321.01 of the Revised Code. 1070

(D) A person who holds a valid concealed handgun license 1071  
issued by another state that is recognized by the attorney 1072  
general pursuant to a reciprocity agreement entered into 1073  
pursuant to section 109.69 of the Revised Code or a person who 1074  
holds a valid concealed handgun license under the circumstances 1075  
described in division (B) of section 109.69 of the Revised Code 1076  
has the same right to carry a concealed handgun in this state as 1077  
a person who was issued a concealed handgun license under 1078

section 2923.125 of the Revised Code and is subject to the same 1079  
restrictions that apply to a person who carries a license issued 1080  
under that section. 1081

(E) (1) A peace officer has the same right to carry a 1082  
concealed handgun in this state as a person who was issued a 1083  
concealed handgun license under section 2923.125 of the Revised 1084  
Code. For purposes of reciprocity with other states, a peace 1085  
officer shall be considered to be a licensee in this state. 1086

(2) An active duty member of the armed forces of the 1087  
United States who is carrying a valid military identification 1088  
card and documentation of successful completion of firearms 1089  
training that meets or exceeds the training requirements 1090  
described in division (G) (1) of section 2923.125 of the Revised 1091  
Code has the same right to carry a concealed handgun in this 1092  
state as a person who was issued a concealed handgun license 1093  
under section 2923.125 of the Revised Code and is subject to the 1094  
same restrictions as specified in this section. 1095

(F) (1) A qualified retired peace officer who possesses a 1096  
retired peace officer identification card issued pursuant to 1097  
division (F) (2) of this section and a valid firearms 1098  
requalification certification issued pursuant to division (F) (3) 1099  
of this section has the same right to carry a concealed handgun 1100  
in this state as a person who was issued a concealed handgun 1101  
license under section 2923.125 of the Revised Code and is 1102  
subject to the same restrictions that apply to a person who 1103  
carries a license issued under that section. For purposes of 1104  
reciprocity with other states, a qualified retired peace officer 1105  
who possesses a retired peace officer identification card issued 1106  
pursuant to division (F) (2) of this section and a valid firearms 1107  
requalification certification issued pursuant to division (F) (3) 1108

of this section shall be considered to be a licensee in this 1109  
state. 1110

(2) (a) Each public agency of this state or of a political 1111  
subdivision of this state that is served by one or more peace 1112  
officers shall issue a retired peace officer identification card 1113  
to any person who retired from service as a peace officer with 1114  
that agency, if the issuance is in accordance with the agency's 1115  
policies and procedures and if the person, with respect to the 1116  
person's service with that agency, satisfies all of the 1117  
following: 1118

(i) The person retired in good standing from service as a 1119  
peace officer with the public agency, and the retirement was not 1120  
for reasons of mental instability. 1121

(ii) Before retiring from service as a peace officer with 1122  
that agency, the person was authorized to engage in or supervise 1123  
the prevention, detection, investigation, or prosecution of, or 1124  
the incarceration of any person for, any violation of law and 1125  
the person had statutory powers of arrest. 1126

(iii) At the time of the person's retirement as a peace 1127  
officer with that agency, the person was trained and qualified 1128  
to carry firearms in the performance of the peace officer's 1129  
duties. 1130

(iv) Before retiring from service as a peace officer with 1131  
that agency, the person was regularly employed as a peace 1132  
officer for an aggregate of fifteen years or more, or, in the 1133  
alternative, the person retired from service as a peace officer 1134  
with that agency, after completing any applicable probationary 1135  
period of that service, due to a service-connected disability, 1136  
as determined by the agency. 1137

(b) A retired peace officer identification card issued to 1138  
a person under division (F) (2) (a) of this section shall identify 1139  
the person by name, contain a photograph of the person, identify 1140  
the public agency of this state or of the political subdivision 1141  
of this state from which the person retired as a peace officer 1142  
and that is issuing the identification card, and specify that 1143  
the person retired in good standing from service as a peace 1144  
officer with the issuing public agency and satisfies the 1145  
criteria set forth in divisions (F) (2) (a) (i) to (iv) of this 1146  
section. In addition to the required content specified in this 1147  
division, a retired peace officer identification card issued to 1148  
a person under division (F) (2) (a) of this section may include 1149  
the firearms requalification certification described in division 1150  
(F) (3) of this section, and if the identification card includes 1151  
that certification, the identification card shall serve as the 1152  
firearms requalification certification for the retired peace 1153  
officer. If the issuing public agency issues credentials to 1154  
active law enforcement officers who serve the agency, the agency 1155  
may comply with division (F) (2) (a) of this section by issuing 1156  
the same credentials to persons who retired from service as a 1157  
peace officer with the agency and who satisfy the criteria set 1158  
forth in divisions (F) (2) (a) (i) to (iv) of this section, 1159  
provided that the credentials so issued to retired peace 1160  
officers are stamped with the word "RETIRED." 1161

(c) A public agency of this state or of a political 1162  
subdivision of this state may charge persons who retired from 1163  
service as a peace officer with the agency a reasonable fee for 1164  
issuing to the person a retired peace officer identification 1165  
card pursuant to division (F) (2) (a) of this section. 1166

(3) If a person retired from service as a peace officer 1167  
with a public agency of this state or of a political subdivision 1168



of this state and the person satisfies the criteria set forth in 1169  
divisions (F) (2) (a) (i) to (iv) of this section, the public 1170  
agency may provide the retired peace officer with the 1171  
opportunity to attend a firearms requalification program that is 1172  
approved for purposes of firearms requalification required under 1173  
section 109.801 of the Revised Code. The retired peace officer 1174  
may be required to pay the cost of the course. 1175

If a retired peace officer who satisfies the criteria set 1176  
forth in divisions (F) (2) (a) (i) to (iv) of this section attends 1177  
a firearms requalification program that is approved for purposes 1178  
of firearms requalification required under section 109.801 of 1179  
the Revised Code, the retired peace officer's successful 1180  
completion of the firearms requalification program requalifies 1181  
the retired peace officer for purposes of division (F) of this 1182  
section for five years from the date on which the program was 1183  
successfully completed, and the requalification is valid during 1184  
that five-year period. If a retired peace officer who satisfies 1185  
the criteria set forth in divisions (F) (2) (a) (i) to (iv) of this 1186  
section satisfactorily completes such a firearms requalification 1187  
program, the retired peace officer shall be issued a firearms 1188  
requalification certification that identifies the retired peace 1189  
officer by name, identifies the entity that taught the program, 1190  
specifies that the retired peace officer successfully completed 1191  
the program, specifies the date on which the course was 1192  
successfully completed, and specifies that the requalification 1193  
is valid for five years from that date of successful completion. 1194  
The firearms requalification certification for a retired peace 1195  
officer may be included in the retired peace officer 1196  
identification card issued to the retired peace officer under 1197  
division (F) (2) of this section. 1198

A retired peace officer who attends a firearms 1199

requalification program that is approved for purposes of 1200  
firearms requalification required under section 109.801 of the 1201  
Revised Code may be required to pay the cost of the program. 1202

(G) As used in this section: 1203

(1) "Qualified retired peace officer" means a person who 1204  
satisfies all of the following: 1205

(a) The person satisfies the criteria set forth in 1206  
divisions (F) (2) (a) (i) to (v) of this section. 1207

(b) The person is not under the influence of alcohol or 1208  
another intoxicating or hallucinatory drug or substance. 1209

(c) The person is not prohibited by federal law from 1210  
receiving firearms. 1211

(2) "Retired peace officer identification card" means an 1212  
identification card that is issued pursuant to division (F) (2) 1213  
of this section to a person who is a retired peace officer. 1214

(3) "Government facility of this state or a political 1215  
subdivision of this state" means any of the following: 1216

(a) A building or part of a building that is owned or 1217  
leased by the government of this state or a political 1218  
subdivision of this state and where employees of the government 1219  
of this state or the political subdivision regularly are present 1220  
for the purpose of performing their official duties as employees 1221  
of the state or political subdivision; 1222

(b) The office of a deputy registrar serving pursuant to 1223  
Chapter 4503. of the Revised Code that is used to perform deputy 1224  
registrar functions. 1225

(4) "Governing body" has the same meaning as in section 1226

154.01 of the Revised Code. 1227

**Sec. 2923.1212.** (A) The following persons, boards, and 1228  
entities, or designees, shall post in the following locations a 1229  
sign that contains a statement in substantially the following 1230  
form: "Unless otherwise authorized by law, pursuant to the Ohio 1231  
Revised Code, no person shall knowingly possess, have under the 1232  
person's control, convey, or attempt to convey a deadly weapon 1233  
or dangerous ordnance onto these premises.": 1234

(1) The director of public safety or the person or board 1235  
charged with the erection, maintenance, or repair of police 1236  
stations, municipal jails, and the municipal courthouse and 1237  
courtrooms in a conspicuous location at all police stations, 1238  
municipal jails, and municipal courthouses and courtrooms; 1239

(2) The sheriff or sheriff's designee who has charge of 1240  
the sheriff's office in a conspicuous location in that office; 1241

(3) The superintendent of the state highway patrol or the 1242  
superintendent's designee in a conspicuous location at all state 1243  
highway patrol stations; 1244

(4) Each sheriff, chief of police, or person in charge of 1245  
every county, multicounty, municipal, municipal-county, or 1246  
multicounty-municipal jail or workhouse, community-based 1247  
correctional facility, halfway house, alternative residential 1248  
facility, or other local or state correctional institution or 1249  
detention facility within the state, or that person's designee, 1250  
in a conspicuous location at that facility under that person's 1251  
charge; 1252

(5) The board of trustees of a regional airport authority, 1253  
chief administrative officer of an airport facility, or other 1254  
person in charge of an airport facility in a conspicuous 1255

~~location at each airport facility under that person's control~~ 1256  
~~passenger or property screening checkpoint and wherever access~~ 1257  
~~is restricted through security measures by the airport authority~~ 1258  
~~or a public agency;~~ 1259

(6) The officer or officer's designee who has charge of a 1260  
courthouse or the building or structure in which a courtroom is 1261  
located in a conspicuous location in that building or structure; 1262

(7) The superintendent of the bureau of criminal 1263  
identification and investigation or the superintendent's 1264  
designee in a conspicuous location in all premises controlled by 1265  
that bureau; 1266

~~(8) The owner, administrator, or operator of a child day~~ 1267  
~~care center, a type A family day care home, or a type B family~~ 1268  
~~day care home;~~ 1269

~~(9)~~The officer of this state or of a political 1270  
subdivision of this state, or the officer's designee, who has 1271  
charge of a building that is a government facility of this state 1272  
or the political subdivision of this state, as defined in 1273  
section 2923.126 of the Revised Code, and that is not a building 1274  
that is used primarily as a shelter, restroom, parking facility 1275  
for motor vehicles, or rest facility and is not a courthouse or 1276  
other building or structure in which a courtroom is located that 1277  
is subject to division (B) (3) of that section, unless the 1278  
governing body with authority over the building has enacted a 1279  
statute, ordinance, or policy that permits all or certain 1280  
specific licensees to carry a concealed handgun into the 1281  
building or any portion of the building. 1282

(B) The following boards, bodies, and persons, or 1283  
designees, shall post in the following locations a sign that 1284

contains a statement in substantially the following form: 1285  
"Unless otherwise authorized by law, pursuant to Ohio Revised 1286  
Code section 2923.122, no person shall knowingly possess, have 1287  
under the person's control, convey, or attempt to convey a 1288  
deadly weapon or dangerous ordnance into a school safety zone.": 1289

(1) A board of education of a city, local, exempted 1290  
village, or joint vocational school district or that board's 1291  
designee in a conspicuous location in each building and on each 1292  
parcel of real property owned or controlled by the board; 1293

(2) A governing body of a school for which the state board 1294  
of education prescribes minimum standards under section 3301.07 1295  
of the Revised Code or that body's designee in a conspicuous 1296  
location in each building and on each parcel of real property 1297  
owned or controlled by the school; 1298

(3) The principal or chief administrative officer of a 1299  
nonpublic school in a conspicuous location on property owned or 1300  
controlled by that nonpublic school. 1301

Sec. 2923.1214. (A) No concealed handgun licensee or 1302  
qualified military member shall knowingly convey or attempt to 1303  
convey a deadly weapon into any place listed in division (B) of 1304  
section 2923.126 of the Revised Code or in violation of a sign 1305  
posted pursuant to division (C) (3) (a) of that section, unless 1306  
otherwise permitted under that section or section 2923.12, 1307  
2923.121, 2923.122, or 2923.123 of the Revised Code, and do 1308  
either of the following: 1309

(1) Refuse or fail to leave upon being discovered and 1310  
being requested to leave by the owner, lessee, or person in 1311  
control of the premises or by that individual's agent or 1312  
employee; 1313

(2) Return within thirty days to the same premises while 1314  
knowingly in possession of a deadly weapon without privilege to 1315  
do so. 1316

(B) Whoever violates division (A) of this section is 1317  
guilty of criminal trespass with a deadly weapon, a misdemeanor 1318  
of the fourth degree. 1319

(C) A law enforcement officer or security officer may 1320  
record any violation of division (A) of this section to 1321  
determine whether the person has entered the same land or 1322  
premises more than once within thirty days while knowingly in 1323  
possession of a deadly weapon. 1324

(D) Except as permitted under division (G) of section 1325  
2923.12 of the Revised Code, no law enforcement officer shall 1326  
seize or authorize the seizure of the person's deadly weapon, 1327  
ammunition, or accessories upon discovering a person conveying 1328  
or attempting to convey a deadly weapon into a place where the 1329  
weapon is prohibited, unless the person also violates division 1330  
(A) (1) or (2) of this section. 1331

**Section 2.** That existing sections 2923.11, 2923.12, 1332  
2923.121, 2923.122, 2923.123, 2923.126, and 2923.1212 of the 1333  
Revised Code are hereby repealed. 1334

**Section 3.** This act shall be known as the 1335  
"Decriminalization Effort For Ending Notorious Deaths (DEFEND)." 1336