

As Introduced

135th General Assembly

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H. B. No. 170

Representatives Grim, Thomas, C.

Cosponsors: Representatives Abdullahi, Baker, Brennan, Brent, Brewer, Brown, Forhan, Galonski, Isaacsohn, Lightbody, Liston, McNally, Miller, A., Miller, J., Miranda, Mohamed, Robinson, Russo, Skindell, Sweeney, Upchurch, Weinstein

A BILL

To amend sections 109.57, 2923.125, 2923.128, 1
2923.1213, and 2923.13 and to enact sections 2
2923.26, 2923.27, 2923.28, 2923.29, 2923.30, and 3
2923.99 of the Revised Code to enact the Extreme 4
Risk Protection Order Act to allow family 5
members, household members, and law enforcement 6
officers to obtain a court order that 7
temporarily restricts a person's access to 8
firearms if that person poses a danger to 9
themselves or others. 10

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

Section 1. That sections 109.57, 2923.125, 2923.128, 11
2923.1213, and 2923.13 be amended and sections 2923.26, 2923.27, 12
2923.28, 2923.29, 2923.30, and 2923.99 of the Revised Code be 13
enacted to read as follows: 14

Sec. 109.57. (A) (1) The superintendent of the bureau of 15
criminal identification and investigation shall procure from 16
wherever procurable and file for record photographs, pictures, 17

descriptions, fingerprints, measurements, and other information 18
that may be pertinent of all persons who have been convicted of 19
committing within this state a felony, any crime constituting a 20
misdemeanor on the first offense and a felony on subsequent 21
offenses, or any misdemeanor described in division (A) (1) (a), 22
(A) (4) (a), or (A) (6) (a) of section 109.572 of the Revised Code, 23
of all children under eighteen years of age who have been 24
adjudicated delinquent children for committing within this state 25
an act that would be a felony or an offense of violence if 26
committed by an adult or who have been convicted of or pleaded 27
guilty to committing within this state a felony or an offense of 28
violence, and of all well-known and habitual criminals. The 29
person in charge of any county, multicounty, municipal, 30
municipal-county, or multicounty-municipal jail or workhouse, 31
community-based correctional facility, halfway house, 32
alternative residential facility, or state correctional 33
institution and the person in charge of any state institution 34
having custody of a person suspected of having committed a 35
felony, any crime constituting a misdemeanor on the first 36
offense and a felony on subsequent offenses, or any misdemeanor 37
described in division (A) (1) (a), (A) (4) (a), or (A) (6) (a) of 38
section 109.572 of the Revised Code or having custody of a child 39
under eighteen years of age with respect to whom there is 40
probable cause to believe that the child may have committed an 41
act that would be a felony or an offense of violence if 42
committed by an adult shall furnish such material to the 43
superintendent of the bureau. Fingerprints, photographs, or 44
other descriptive information of a child who is under eighteen 45
years of age, has not been arrested or otherwise taken into 46
custody for committing an act that would be a felony or an 47
offense of violence who is not in any other category of child 48
specified in this division, if committed by an adult, has not 49

been adjudicated a delinquent child for committing an act that 50
would be a felony or an offense of violence if committed by an 51
adult, has not been convicted of or pleaded guilty to committing 52
a felony or an offense of violence, and is not a child with 53
respect to whom there is probable cause to believe that the 54
child may have committed an act that would be a felony or an 55
offense of violence if committed by an adult shall not be 56
procured by the superintendent or furnished by any person in 57
charge of any county, multicounty, municipal, municipal-county, 58
or multicounty-municipal jail or workhouse, community-based 59
correctional facility, halfway house, alternative residential 60
facility, or state correctional institution, except as 61
authorized in section 2151.313 of the Revised Code. 62

(2) Every clerk of a court of record in this state, other 63
than the supreme court or a court of appeals, shall send to the 64
superintendent of the bureau a weekly report containing a 65
summary of each case involving a felony, involving any crime 66
constituting a misdemeanor on the first offense and a felony on 67
subsequent offenses, involving a misdemeanor described in 68
division (A) (1) (a), (A) (4) (a), or (A) (6) (a) of section 109.572 69
of the Revised Code, or involving an adjudication in a case in 70
which a child under eighteen years of age was alleged to be a 71
delinquent child for committing an act that would be a felony or 72
an offense of violence if committed by an adult. The clerk of 73
the court of common pleas shall include in the report and 74
summary the clerk sends under this division all information 75
described in divisions (A) (2) (a) to (f) of this section 76
regarding a case before the court of appeals that is served by 77
that clerk. The summary shall be written on the standard forms 78
furnished by the superintendent pursuant to division (B) of this 79
section and shall include the following information: 80

(a) The incident tracking number contained on the standard 81
forms furnished by the superintendent pursuant to division (B) 82
of this section; 83

(b) The style and number of the case; 84

(c) The date of arrest, offense, summons, or arraignment; 85

(d) The date that the person was convicted of or pleaded 86
guilty to the offense, adjudicated a delinquent child for 87
committing the act that would be a felony or an offense of 88
violence if committed by an adult, found not guilty of the 89
offense, or found not to be a delinquent child for committing an 90
act that would be a felony or an offense of violence if 91
committed by an adult, the date of an entry dismissing the 92
charge, an entry declaring a mistrial of the offense in which 93
the person is discharged, an entry finding that the person or 94
child is not competent to stand trial, or an entry of a nolle 95
prosequi, or the date of any other determination that 96
constitutes final resolution of the case; 97

(e) A statement of the original charge with the section of 98
the Revised Code that was alleged to be violated; 99

(f) If the person or child was convicted, pleaded guilty, 100
or was adjudicated a delinquent child, the sentence or terms of 101
probation imposed or any other disposition of the offender or 102
the delinquent child. 103

If the offense involved the disarming of a law enforcement 104
officer or an attempt to disarm a law enforcement officer, the 105
clerk shall clearly state that fact in the summary, and the 106
superintendent shall ensure that a clear statement of that fact 107
is placed in the bureau's records. 108

(3) The superintendent shall cooperate with and assist 109

sheriffs, chiefs of police, and other law enforcement officers 110
in the establishment of a complete system of criminal 111
identification and in obtaining fingerprints and other means of 112
identification of all persons arrested on a charge of a felony, 113
any crime constituting a misdemeanor on the first offense and a 114
felony on subsequent offenses, or a misdemeanor described in 115
division (A) (1) (a), (A) (4) (a), or (A) (6) (a) of section 109.572 116
of the Revised Code and of all children under eighteen years of 117
age arrested or otherwise taken into custody for committing an 118
act that would be a felony or an offense of violence if 119
committed by an adult. The superintendent also shall file for 120
record the fingerprint impressions of all persons confined in a 121
county, multicounty, municipal, municipal-county, or 122
multicounty-municipal jail or workhouse, community-based 123
correctional facility, halfway house, alternative residential 124
facility, or state correctional institution for the violation of 125
state laws and of all children under eighteen years of age who 126
are confined in a county, multicounty, municipal, municipal- 127
county, or multicounty-municipal jail or workhouse, community- 128
based correctional facility, halfway house, alternative 129
residential facility, or state correctional institution or in 130
any facility for delinquent children for committing an act that 131
would be a felony or an offense of violence if committed by an 132
adult, and any other information that the superintendent may 133
receive from law enforcement officials of the state and its 134
political subdivisions. 135

(4) The superintendent shall carry out Chapter 2950. of 136
the Revised Code with respect to the registration of persons who 137
are convicted of or plead guilty to a sexually oriented offense 138
or a child-victim oriented offense and with respect to all other 139
duties imposed on the bureau under that chapter. 140

(5) The bureau shall perform centralized recordkeeping 141
functions for criminal history records and services in this 142
state for purposes of the national crime prevention and privacy 143
compact set forth in section 109.571 of the Revised Code and is 144
the criminal history record repository as defined in that 145
section for purposes of that compact. The superintendent or the 146
superintendent's designee is the compact officer for purposes of 147
that compact and shall carry out the responsibilities of the 148
compact officer specified in that compact. 149

(6) The superintendent shall, upon request, assist a 150
county coroner in the identification of a deceased person 151
through the use of fingerprint impressions obtained pursuant to 152
division (A)(1) of this section or collected pursuant to section 153
109.572 or 311.41 of the Revised Code. 154

(B) The superintendent shall prepare and furnish to every 155
county, multicounty, municipal, municipal-county, or 156
multicounty-municipal jail or workhouse, community-based 157
correctional facility, halfway house, alternative residential 158
facility, or state correctional institution and to every clerk 159
of a court in this state specified in division (A)(2) of this 160
section standard forms for reporting the information required 161
under division (A) of this section. The standard forms that the 162
superintendent prepares pursuant to this division may be in a 163
tangible format, in an electronic format, or in both tangible 164
formats and electronic formats. 165

(C) (1) The superintendent may operate a center for 166
electronic, automated, or other data processing for the storage 167
and retrieval of information, data, and statistics pertaining to 168
criminals and to children under eighteen years of age who are 169
adjudicated delinquent children for committing an act that would 170

be a felony or an offense of violence if committed by an adult, 171
criminal activity, crime prevention, law enforcement, and 172
criminal justice, and may establish and operate a statewide 173
communications network to be known as the Ohio law enforcement 174
gateway to gather and disseminate information, data, and 175
statistics for the use of law enforcement agencies and for other 176
uses specified in this division. The superintendent may gather, 177
store, retrieve, and disseminate information, data, and 178
statistics that pertain to children who are under eighteen years 179
of age and that are gathered pursuant to sections 109.57 to 180
109.61 of the Revised Code together with information, data, and 181
statistics that pertain to adults and that are gathered pursuant 182
to those sections. 183

(2) The superintendent or the superintendent's designee 184
shall gather information of the nature described in division (C) 185
(1) of this section that pertains to the offense and delinquency 186
history of a person who has been convicted of, pleaded guilty 187
to, or been adjudicated a delinquent child for committing a 188
sexually oriented offense or a child-victim oriented offense for 189
inclusion in the state registry of sex offenders and child- 190
victim offenders maintained pursuant to division (A)(1) of 191
section 2950.13 of the Revised Code and in the internet database 192
operated pursuant to division (A)(13) of that section and for 193
possible inclusion in the internet database operated pursuant to 194
division (A)(11) of that section. 195

(3) In addition to any other authorized use of 196
information, data, and statistics of the nature described in 197
division (C)(1) of this section, the superintendent or the 198
superintendent's designee may provide and exchange the 199
information, data, and statistics pursuant to the national crime 200
prevention and privacy compact as described in division (A)(5) 201

of this section. 202

(4) The Ohio law enforcement gateway shall contain the 203
name, confidential address, and telephone number of program 204
participants in the address confidentiality program established 205
under sections 111.41 to 111.47 of the Revised Code. 206

(5) The attorney general may adopt rules under Chapter 207
119. of the Revised Code establishing guidelines for the 208
operation of and participation in the Ohio law enforcement 209
gateway. The rules may include criteria for granting and 210
restricting access to information gathered and disseminated 211
through the Ohio law enforcement gateway. The attorney general 212
shall adopt rules under Chapter 119. of the Revised Code that 213
grant access to information in the gateway regarding an address 214
confidentiality program participant under sections 111.41 to 215
111.47 of the Revised Code to only chiefs of police, village 216
marshals, county sheriffs, county prosecuting attorneys, and a 217
designee of each of these individuals. The attorney general 218
shall permit an office of a county coroner, the state medical 219
board, and board of nursing to access and view, but not alter, 220
information gathered and disseminated through the Ohio law 221
enforcement gateway. 222

The attorney general may appoint a steering committee to 223
advise the attorney general in the operation of the Ohio law 224
enforcement gateway that is comprised of persons who are 225
representatives of the criminal justice agencies in this state 226
that use the Ohio law enforcement gateway and is chaired by the 227
superintendent or the superintendent's designee. 228

(D) (1) The following are not public records under section 229
149.43 of the Revised Code: 230

(a) Information and materials furnished to the	231
superintendent pursuant to division (A) of this section;	232
(b) Information, data, and statistics gathered or	233
disseminated through the Ohio law enforcement gateway pursuant	234
to division (C) (1) of this section;	235
(c) Information and materials furnished to any board or	236
person under division (F) or (G) of this section.	237
(2) The superintendent or the superintendent's designee	238
shall gather and retain information so furnished under division	239
(A) of this section that pertains to the offense and delinquency	240
history of a person who has been convicted of, pleaded guilty	241
to, or been adjudicated a delinquent child for committing a	242
sexually oriented offense or a child-victim oriented offense for	243
the purposes described in division (C) (2) of this section.	244
(E) (1) The attorney general shall adopt rules, in	245
accordance with Chapter 119. of the Revised Code and subject to	246
division (E) (2) of this section, setting forth the procedure by	247
which a person may receive or release information gathered by	248
the superintendent pursuant to division (A) of this section. A	249
reasonable fee may be charged for this service. If a temporary	250
employment service submits a request for a determination of	251
whether a person the service plans to refer to an employment	252
position has been convicted of or pleaded guilty to an offense	253
listed or described in division (A) (1), (2), or (3) of section	254
109.572 of the Revised Code, the request shall be treated as a	255
single request and only one fee shall be charged.	256
(2) Except as otherwise provided in this division or	257
division (E) (3) or (4) of this section, a rule adopted under	258
division (E) (1) of this section may provide only for the release	259

of information gathered pursuant to division (A) of this section 260
that relates to the conviction of a person, or a person's plea 261
of guilty to, a criminal offense or to the arrest of a person as 262
provided in division (E) (3) of this section. The superintendent 263
shall not release, and the attorney general shall not adopt any 264
rule under division (E) (1) of this section that permits the 265
release of, any information gathered pursuant to division (A) of 266
this section that relates to an adjudication of a child as a 267
delinquent child, or that relates to a criminal conviction of a 268
person under eighteen years of age if the person's case was 269
transferred back to a juvenile court under division (B) (2) or 270
(3) of section 2152.121 of the Revised Code and the juvenile 271
court imposed a disposition or serious youthful offender 272
disposition upon the person under either division, unless either 273
of the following applies with respect to the adjudication or 274
conviction: 275

(a) The adjudication or conviction was for a violation of 276
section 2903.01 or 2903.02 of the Revised Code. 277

(b) The adjudication or conviction was for a sexually 278
oriented offense, the juvenile court was required to classify 279
the child a juvenile offender registrant for that offense under 280
section 2152.82, 2152.83, or 2152.86 of the Revised Code, that 281
classification has not been removed, and the records of the 282
adjudication or conviction have not been sealed or expunged 283
pursuant to sections 2151.355 to 2151.358 or sealed or expunged 284
pursuant to section 2953.32 of the Revised Code. 285

(3) A rule adopted under division (E) (1) of this section 286
may provide for the release of information gathered pursuant to 287
division (A) of this section that relates to the arrest of a 288
person who is eighteen years of age or older when the person has 289

not been convicted as a result of that arrest if any of the 290
following applies: 291

(a) The arrest was made outside of this state. 292

(b) A criminal action resulting from the arrest is 293
pending, and the superintendent confirms that the criminal 294
action has not been resolved at the time the criminal records 295
check is performed. 296

(c) The bureau cannot reasonably determine whether a 297
criminal action resulting from the arrest is pending, and not 298
more than one year has elapsed since the date of the arrest. 299

(4) A rule adopted under division (E)(1) of this section 300
may provide for the release of information gathered pursuant to 301
division (A) of this section that relates to an adjudication of 302
a child as a delinquent child if not more than five years have 303
elapsed since the date of the adjudication, the adjudication was 304
for an act that would have been a felony if committed by an 305
adult, the records of the adjudication have not been sealed or 306
expunged pursuant to sections 2151.355 to 2151.358 of the 307
Revised Code, and the request for information is made under 308
division (F) of this section or under section 109.572 of the 309
Revised Code. In the case of an adjudication for a violation of 310
the terms of community control or supervised release, the five- 311
year period shall be calculated from the date of the 312
adjudication to which the community control or supervised 313
release pertains. 314

(F)(1) As used in division (F)(2) of this section, "head 315
start agency" means an entity in this state that has been 316
approved to be an agency for purposes of subchapter II of the 317
"Community Economic Development Act," 95 Stat. 489 (1981), 42 318

U.S.C.A. 9831, as amended. 319

(2) (a) In addition to or in conjunction with any request 320
that is required to be made under section 109.572, 2151.86, 321
3301.32, 3301.541, division (C) of section 3310.58, or section 322
3319.39, 3319.391, 3327.10, 3740.11, 5104.013, 5123.081, or 323
5153.111 of the Revised Code or that is made under section 324
3314.41, 3319.392, 3326.25, or 3328.20 of the Revised Code, the 325
board of education of any school district; the director of 326
developmental disabilities; any county board of developmental 327
disabilities; any provider or subcontractor as defined in 328
section 5123.081 of the Revised Code; the chief administrator of 329
any chartered nonpublic school; the chief administrator of a 330
registered private provider that is not also a chartered 331
nonpublic school; the chief administrator of any home health 332
agency; the chief administrator of or person operating any child 333
day-care center, type A family day-care home, or type B family 334
day-care home licensed under Chapter 5104. of the Revised Code; 335
the chief administrator of any head start agency; the executive 336
director of a public children services agency; a private company 337
described in section 3314.41, 3319.392, 3326.25, or 3328.20 of 338
the Revised Code; or an employer described in division (J) (2) of 339
section 3327.10 of the Revised Code may request that the 340
superintendent of the bureau investigate and determine, with 341
respect to any individual who has applied for employment in any 342
position after October 2, 1989, or any individual wishing to 343
apply for employment with a board of education may request, with 344
regard to the individual, whether the bureau has any information 345
gathered under division (A) of this section that pertains to 346
that individual. On receipt of the request, subject to division 347
(E) (2) of this section, the superintendent shall determine 348
whether that information exists and, upon request of the person, 349

board, or entity requesting information, also shall request from 350
the federal bureau of investigation any criminal records it has 351
pertaining to that individual. The superintendent or the 352
superintendent's designee also may request criminal history 353
records from other states or the federal government pursuant to 354
the national crime prevention and privacy compact set forth in 355
section 109.571 of the Revised Code. Within thirty days of the 356
date that the superintendent receives a request, subject to 357
division (E) (2) of this section, the superintendent shall send 358
to the board, entity, or person a report of any information that 359
the superintendent determines exists, including information 360
contained in records that have been sealed under section 2953.32 361
of the Revised Code, and, within thirty days of its receipt, 362
subject to division (E) (2) of this section, shall send the 363
board, entity, or person a report of any information received 364
from the federal bureau of investigation, other than information 365
the dissemination of which is prohibited by federal law. 366

(b) When a board of education or a registered private 367
provider is required to receive information under this section 368
as a prerequisite to employment of an individual pursuant to 369
division (C) of section 3310.58 or section 3319.39 of the 370
Revised Code, it may accept a certified copy of records that 371
were issued by the bureau of criminal identification and 372
investigation and that are presented by an individual applying 373
for employment with the district in lieu of requesting that 374
information itself. In such a case, the board shall accept the 375
certified copy issued by the bureau in order to make a photocopy 376
of it for that individual's employment application documents and 377
shall return the certified copy to the individual. In a case of 378
that nature, a district or provider only shall accept a 379
certified copy of records of that nature within one year after 380

the date of their issuance by the bureau. 381

(c) Notwithstanding division (F) (2) (a) of this section, in 382
the case of a request under section 3319.39, 3319.391, or 383
3327.10 of the Revised Code only for criminal records maintained 384
by the federal bureau of investigation, the superintendent shall 385
not determine whether any information gathered under division 386
(A) of this section exists on the person for whom the request is 387
made. 388

(3) The state board of education may request, with respect 389
to any individual who has applied for employment after October 390
2, 1989, in any position with the state board or the department 391
of education, any information that a school district board of 392
education is authorized to request under division (F) (2) of this 393
section, and the superintendent of the bureau shall proceed as 394
if the request has been received from a school district board of 395
education under division (F) (2) of this section. 396

(4) When the superintendent of the bureau receives a 397
request for information under section 3319.291 of the Revised 398
Code, the superintendent shall proceed as if the request has 399
been received from a school district board of education and 400
shall comply with divisions (F) (2) (a) and (c) of this section. 401

(G) In addition to or in conjunction with any request that 402
is required to be made under section 3712.09, 3721.121, or 403
3740.11 of the Revised Code with respect to an individual who 404
has applied for employment in a position that involves providing 405
direct care to an older adult or adult resident, the chief 406
administrator of a home health agency, hospice care program, 407
home licensed under Chapter 3721. of the Revised Code, or adult 408
day-care program operated pursuant to rules adopted under 409
section 3721.04 of the Revised Code may request that the 410

superintendent of the bureau investigate and determine, with 411
respect to any individual who has applied after January 27, 412
1997, for employment in a position that does not involve 413
providing direct care to an older adult or adult resident, 414
whether the bureau has any information gathered under division 415
(A) of this section that pertains to that individual. 416

In addition to or in conjunction with any request that is 417
required to be made under section 173.27 of the Revised Code 418
with respect to an individual who has applied for employment in 419
a position that involves providing ombudsman services to 420
residents of long-term care facilities or recipients of 421
community-based long-term care services, the state long-term 422
care ombudsman, the director of aging, a regional long-term care 423
ombudsman program, or the designee of the ombudsman, director, 424
or program may request that the superintendent investigate and 425
determine, with respect to any individual who has applied for 426
employment in a position that does not involve providing such 427
ombudsman services, whether the bureau has any information 428
gathered under division (A) of this section that pertains to 429
that applicant. 430

In addition to or in conjunction with any request that is 431
required to be made under section 173.38 of the Revised Code 432
with respect to an individual who has applied for employment in 433
a direct-care position, the chief administrator of a provider, 434
as defined in section 173.39 of the Revised Code, may request 435
that the superintendent investigate and determine, with respect 436
to any individual who has applied for employment in a position 437
that is not a direct-care position, whether the bureau has any 438
information gathered under division (A) of this section that 439
pertains to that applicant. 440

In addition to or in conjunction with any request that is 441
required to be made under section 3712.09 of the Revised Code 442
with respect to an individual who has applied for employment in 443
a position that involves providing direct care to a pediatric 444
respite care patient, the chief administrator of a pediatric 445
respite care program may request that the superintendent of the 446
bureau investigate and determine, with respect to any individual 447
who has applied for employment in a position that does not 448
involve providing direct care to a pediatric respite care 449
patient, whether the bureau has any information gathered under 450
division (A) of this section that pertains to that individual. 451

On receipt of a request under this division, the 452
superintendent shall determine whether that information exists 453
and, on request of the individual requesting information, shall 454
also request from the federal bureau of investigation any 455
criminal records it has pertaining to the applicant. The 456
superintendent or the superintendent's designee also may request 457
criminal history records from other states or the federal 458
government pursuant to the national crime prevention and privacy 459
compact set forth in section 109.571 of the Revised Code. Within 460
thirty days of the date a request is received, subject to 461
division (E) (2) of this section, the superintendent shall send 462
to the requester a report of any information determined to 463
exist, including information contained in records that have been 464
sealed under section 2953.32 of the Revised Code, and, within 465
thirty days of its receipt, shall send the requester a report of 466
any information received from the federal bureau of 467
investigation, other than information the dissemination of which 468
is prohibited by federal law. 469

(H) Information obtained by a government entity or person 470
under this section is confidential and shall not be released or 471

disseminated.

(I) The superintendent may charge a reasonable fee for providing information or criminal records under division (F) (2) or (G) of this section.

~~(J)~~ (J) (1) The superintendent shall develop and prepare instructions and informational brochures, standard petitions, and extreme risk protection order forms, and a court staff handbook on the extreme risk protection order process. The standard petitions and order forms shall be prepared and available for use not later than six months after the effective date of this amendment, for all petitions filed and orders issued under sections 2923.26 to 2923.30 of the Revised Code. The instructions, brochures, forms, and handbook shall be prepared in consultation with interested parties, including representatives of gun violence prevention groups, judges, and law enforcement personnel. Materials shall be based on best practices and shall be made available online to the public. The petitions and petition forms referred to in divisions (J) (1) to (11) of this section mean both petitions for requesting an extreme risk protection order under section 2923.26 of the Revised Code and applications for requesting an ex parte extreme risk protection order under section 2923.27 of the Revised Code.

(2) The instructions shall be designed to assist petitioners in completing the petition, and shall include a sample of a standard petition and an extreme risk protection order form.

(3) The instructions and standard petition shall include a means for the petitioner to identify, without special knowledge, the firearms the respondent may own, possess, receive, or have in the respondent's custody or control. The instructions shall

provide pictures of types of firearms that the petitioner may 502
choose from to identify the relevant firearms, or an equivalent 503
means to allow petitioners to identify firearms without 504
requiring specific or technical knowledge regarding the 505
firearms. 506

(4) The informational brochure shall describe the use of 507
and the process for obtaining, modifying, and terminating an 508
extreme risk protection order under sections 2923.26 to 2923.30 509
of the Revised Code and provide relevant forms. 510

(5) The extreme risk protection order form shall include, 511
in a conspicuous location, notice of criminal penalties 512
resulting from a violation of the order, and the following 513
statement: 514

"You have the sole responsibility to avoid or refrain from 515
violating this order's provisions. Only the court can change the 516
order and only upon written application." 517

(6) The court staff handbook shall allow for a clerk of 518
court to add to the handbook a community resource list. 519

(7) The superintendent shall distribute a master copy of 520
the petition and order forms, instructions, and informational 521
brochures to every clerk of court and shall distribute a master 522
copy of the petition and order forms to all county courts, 523
municipal courts, and courts of common pleas. 524

(8) The superintendent shall distribute all documents in 525
an electronic format or formats accessible to all courts and 526
clerks of court in the state and may additionally distribute the 527
documents in other formats. 528

(9) The superintendent shall determine the significant 529
non-English-speaking or limited English-speaking populations in 530

the state and arrange for translation of the instructions and 531
informational brochures required by this section into the 532
languages spoken by those populations. The translated 533
instructions and informational brochures shall contain a sample 534
of the standard petition and order for protection forms. The 535
superintendent shall distribute a master copy of the translated 536
instructions and informational brochures to every clerk of court 537
not later than one year after the effective date of this 538
amendment. 539

(10) The superintendent shall update the instructions, 540
brochures, standard petitions and extreme risk protection order 541
forms, and court staff handbook as necessary, including when 542
changes in the law make an update necessary. 543

(11) Any assistance or information provided by a clerk of 544
court under division (J) of this section does not constitute the 545
practice of law. 546

(K) In addition to informational brochures and materials 547
made available by the superintendent under division (J) of this 548
section, each clerk of court may create a community resource 549
list of crisis intervention, mental health, substance abuse, 550
interpreter, counseling, and other relevant resources serving 551
the county in which the court is located. 552

(L) As used in this section: 553

(1) "Pediatric respite care program" and "pediatric care 554
patient" have the same meanings as in section 3712.01 of the 555
Revised Code. 556

(2) "Sexually oriented offense" and "child-victim oriented 557
offense" have the same meanings as in section 2950.01 of the 558
Revised Code. 559

(3) "Registered private provider" means a nonpublic school 560
or entity registered with the superintendent of public 561
instruction under section 3310.41 of the Revised Code to 562
participate in the autism scholarship program or section 3310.58 563
of the Revised Code to participate in the Jon Peterson special 564
needs scholarship program. 565

(4) "Extreme risk protection order" and "ex parte extreme 566
risk protection order" have the same meanings as in section 567
2923.26 of the Revised Code. 568

Sec. 2923.125. It is the intent of the general assembly 569
that Ohio concealed handgun license law be compliant with the 570
national instant criminal background check system, that the 571
bureau of alcohol, tobacco, firearms, and explosives is able to 572
determine that Ohio law is compliant with the national instant 573
criminal background check system, and that no person shall be 574
eligible to receive a concealed handgun license permit under 575
section 2923.125 or 2923.1213 of the Revised Code unless the 576
person is eligible lawfully to receive or possess a firearm in 577
the United States. 578

(A) This section applies with respect to the application 579
for and issuance by this state of concealed handgun licenses 580
other than concealed handgun licenses on a temporary emergency 581
basis that are issued under section 2923.1213 of the Revised 582
Code. Upon the request of a person who wishes to obtain a 583
concealed handgun license with respect to which this section 584
applies or to renew a concealed handgun license with respect to 585
which this section applies, a sheriff, as provided in division 586
(I) of this section, shall provide to the person free of charge 587
an application form and the web site address at which a 588
printable version of the application form that can be downloaded 589

and the pamphlet described in division (B) of section 109.731 of 590
the Revised Code may be found. A sheriff shall accept a 591
completed application form and the fee, items, materials, and 592
information specified in divisions (B) (1) to (5) of this section 593
at the times and in the manners described in division (I) of 594
this section. 595

(B) An applicant for a concealed handgun license who is a 596
resident of this state shall submit a completed application form 597
and all of the material and information described in divisions 598
(B) (1) to (6) of this section to the sheriff of the county in 599
which the applicant resides or to the sheriff of any county 600
adjacent to the county in which the applicant resides. An 601
applicant for a license who resides in another state shall 602
submit a completed application form and all of the material and 603
information described in divisions (B) (1) to (7) of this section 604
to the sheriff of the county in which the applicant is employed 605
or to the sheriff of any county adjacent to the county in which 606
the applicant is employed: 607

(1) (a) A nonrefundable license fee as described in either 608
of the following: 609

(i) For an applicant who has been a resident of this state 610
for five or more years, a fee of sixty-seven dollars; 611

(ii) For an applicant who has been a resident of this 612
state for less than five years or who is not a resident of this 613
state, but who is employed in this state, a fee of sixty-seven 614
dollars plus the actual cost of having a background check 615
performed by the federal bureau of investigation. 616

(b) No sheriff shall require an applicant to pay for the 617
cost of a background check performed by the bureau of criminal 618

identification and investigation. 619

(c) A sheriff shall waive the payment of the license fee 620
described in division (B) (1) (a) of this section in connection 621
with an initial or renewal application for a license that is 622
submitted by an applicant who is an active or reserve member of 623
the armed forces of the United States or has retired from or was 624
honorably discharged from military service in the active or 625
reserve armed forces of the United States, a retired peace 626
officer, a retired person described in division (B) (1) (b) of 627
section 109.77 of the Revised Code, or a retired federal law 628
enforcement officer who, prior to retirement, was authorized 629
under federal law to carry a firearm in the course of duty, 630
unless the retired peace officer, person, or federal law 631
enforcement officer retired as the result of a mental 632
disability. 633

(d) The sheriff shall deposit all fees paid by an 634
applicant under division (B) (1) (a) of this section into the 635
sheriff's concealed handgun license issuance fund established 636
pursuant to section 311.42 of the Revised Code. The county shall 637
distribute the fees in accordance with section 311.42 of the 638
Revised Code. 639

(2) A color photograph of the applicant that was taken 640
within thirty days prior to the date of the application; 641

(3) One or more of the following competency 642
certifications, each of which shall reflect that, regarding a 643
certification described in division (B) (3) (a), (b), (c), (e), or 644
(f) of this section, within the three years immediately 645
preceding the application the applicant has performed that to 646
which the competency certification relates and that, regarding a 647
certification described in division (B) (3) (d) of this section, 648

the applicant currently is an active or reserve member of the 649
armed forces of the United States, the applicant has retired 650
from or was honorably discharged from military service in the 651
active or reserve armed forces of the United States, or within 652
the ten years immediately preceding the application the 653
retirement of the peace officer, person described in division 654
(B) (1) (b) of section 109.77 of the Revised Code, or federal law 655
enforcement officer to which the competency certification 656
relates occurred: 657

(a) An original or photocopy of a certificate of 658
completion of a firearms safety, training, or requalification or 659
firearms safety instructor course, class, or program that was 660
offered by or under the auspices of a national gun advocacy 661
organization and that complies with the requirements set forth 662
in division (G) of this section; 663

(b) An original or photocopy of a certificate of 664
completion of a firearms safety, training, or requalification or 665
firearms safety instructor course, class, or program that 666
satisfies all of the following criteria: 667

(i) It was open to members of the general public. 668

(ii) It utilized qualified instructors who were certified 669
by a national gun advocacy organization, the executive director 670
of the Ohio peace officer training commission pursuant to 671
section 109.75 or 109.78 of the Revised Code, or a governmental 672
official or entity of another state. 673

(iii) It was offered by or under the auspices of a law 674
enforcement agency of this or another state or the United 675
States, a public or private college, university, or other 676
similar postsecondary educational institution located in this or 677

another state, a firearms training school located in this or 678
another state, or another type of public or private entity or 679
organization located in this or another state. 680

(iv) It complies with the requirements set forth in 681
division (G) of this section. 682

(c) An original or photocopy of a certificate of 683
completion of a state, county, municipal, or department of 684
natural resources peace officer training school that is approved 685
by the executive director of the Ohio peace officer training 686
commission pursuant to section 109.75 of the Revised Code and 687
that complies with the requirements set forth in division (G) of 688
this section, or the applicant has satisfactorily completed and 689
been issued a certificate of completion of a basic firearms 690
training program, a firearms requalification training program, 691
or another basic training program described in section 109.78 or 692
109.801 of the Revised Code that complies with the requirements 693
set forth in division (G) of this section; 694

(d) A document that evidences both of the following: 695

(i) That the applicant is an active or reserve member of 696
the armed forces of the United States, has retired from or was 697
honorably discharged from military service in the active or 698
reserve armed forces of the United States, is a retired trooper 699
of the state highway patrol, or is a retired peace officer or 700
federal law enforcement officer described in division (B) (1) of 701
this section or a retired person described in division (B) (1) (b) 702
of section 109.77 of the Revised Code and division (B) (1) of 703
this section; 704

(ii) That, through participation in the military service 705
or through the former employment described in division (B) (3) (d) 706

(i) of this section, the applicant acquired experience with 707
handling handguns or other firearms, and the experience so 708
acquired was equivalent to training that the applicant could 709
have acquired in a course, class, or program described in 710
division (B) (3) (a), (b), or (c) of this section. 711

(e) A certificate or another similar document that 712
evidences satisfactory completion of a firearms training, 713
safety, or requalification or firearms safety instructor course, 714
class, or program that is not otherwise described in division 715
(B) (3) (a), (b), (c), or (d) of this section, that was conducted 716
by an instructor who was certified by an official or entity of 717
the government of this or another state or the United States or 718
by a national gun advocacy organization, and that complies with 719
the requirements set forth in division (G) of this section; 720

(f) An affidavit that attests to the applicant's 721
satisfactory completion of a course, class, or program described 722
in division (B) (3) (a), (b), (c), or (e) of this section and that 723
is subscribed by the applicant's instructor or an authorized 724
representative of the entity that offered the course, class, or 725
program or under whose auspices the course, class, or program 726
was offered; 727

(g) A document that evidences that the applicant has 728
successfully completed the Ohio peace officer training program 729
described in section 109.79 of the Revised Code. 730

(4) A certification by the applicant that the applicant 731
has read the pamphlet prepared by the Ohio peace officer 732
training commission pursuant to section 109.731 of the Revised 733
Code that reviews firearms, dispute resolution, and use of 734
deadly force matters. 735

(5) A set of fingerprints of the applicant provided as 736
described in section 311.41 of the Revised Code through use of 737
an electronic fingerprint reading device or, if the sheriff to 738
whom the application is submitted does not possess and does not 739
have ready access to the use of such a reading device, on a 740
standard impression sheet prescribed pursuant to division (C) (2) 741
of section 109.572 of the Revised Code. 742

(6) If the applicant is not a citizen or national of the 743
United States, the name of the applicant's country of 744
citizenship and the applicant's alien registration number issued 745
by the United States citizenship and immigration services 746
agency. 747

(7) If the applicant resides in another state, adequate 748
proof of employment in Ohio. 749

(C) Upon receipt of the completed application form, 750
supporting documentation, and, if not waived, license fee of an 751
applicant under this section, a sheriff, in the manner specified 752
in section 311.41 of the Revised Code, shall conduct or cause to 753
be conducted the criminal records check and the incompetency 754
records check described in section 311.41 of the Revised Code. 755

(D) (1) Except as provided in division (D) (3) of this 756
section, within forty-five days after a sheriff's receipt of an 757
applicant's completed application form for a concealed handgun 758
license under this section, the supporting documentation, and, 759
if not waived, the license fee, the sheriff shall make available 760
through the law enforcement automated data system in accordance 761
with division (H) of this section the information described in 762
that division and, upon making the information available through 763
the system, shall issue to the applicant a concealed handgun 764
license that shall expire as described in division (D) (2) (a) of 765

this section if all of the following apply: 766

(a) The applicant is legally living in the United States. 767
For purposes of division (D) (1) (a) of this section, if a person 768
is absent from the United States in compliance with military or 769
naval orders as an active or reserve member of the armed forces 770
of the United States and if prior to leaving the United States 771
the person was legally living in the United States, the person, 772
solely by reason of that absence, shall not be considered to 773
have lost the person's status as living in the United States. 774

(b) The applicant is at least twenty-one years of age. 775

(c) The applicant is not a fugitive from justice. 776

(d) The applicant is not under indictment for or otherwise 777
charged with a felony; an offense under Chapter 2925., 3719., or 778
4729. of the Revised Code that involves the illegal possession, 779
use, sale, administration, or distribution of or trafficking in 780
a drug of abuse; a misdemeanor offense of violence; or a 781
violation of section 2903.14 or 2923.1211 of the Revised Code. 782

(e) Except as otherwise provided in division (D) (4) or (5) 783
of this section, the applicant has not been convicted of or 784
pleaded guilty to a felony or an offense under Chapter 2925., 785
3719., or 4729. of the Revised Code that involves the illegal 786
possession, use, sale, administration, or distribution of or 787
trafficking in a drug of abuse; has not been adjudicated a 788
delinquent child for committing an act that if committed by an 789
adult would be a felony or would be an offense under Chapter 790
2925., 3719., or 4729. of the Revised Code that involves the 791
illegal possession, use, sale, administration, or distribution 792
of or trafficking in a drug of abuse; has not been convicted of, 793
pleaded guilty to, or adjudicated a delinquent child for 794

committing a violation of section 2903.13 of the Revised Code 795
when the victim of the violation is a peace officer, regardless 796
of whether the applicant was sentenced under division (C) (4) of 797
that section; and has not been convicted of, pleaded guilty to, 798
or adjudicated a delinquent child for committing any other 799
offense that is not previously described in this division that 800
is a misdemeanor punishable by imprisonment for a term exceeding 801
one year. 802

(f) Except as otherwise provided in division (D) (4) or (5) 803
of this section, the applicant, within three years of the date 804
of the application, has not been convicted of or pleaded guilty 805
to a misdemeanor offense of violence other than a misdemeanor 806
violation of section 2921.33 of the Revised Code or a violation 807
of section 2903.13 of the Revised Code when the victim of the 808
violation is a peace officer, or a misdemeanor violation of 809
section 2923.1211 of the Revised Code; and has not been 810
adjudicated a delinquent child for committing an act that if 811
committed by an adult would be a misdemeanor offense of violence 812
other than a misdemeanor violation of section 2921.33 of the 813
Revised Code or a violation of section 2903.13 of the Revised 814
Code when the victim of the violation is a peace officer or for 815
committing an act that if committed by an adult would be a 816
misdemeanor violation of section 2923.1211 of the Revised Code. 817

(g) Except as otherwise provided in division (D) (1) (e) of 818
this section, the applicant, within five years of the date of 819
the application, has not been convicted of, pleaded guilty to, 820
or adjudicated a delinquent child for committing two or more 821
violations of section 2903.13 or 2903.14 of the Revised Code. 822

(h) Except as otherwise provided in division (D) (4) or (5) 823
of this section, the applicant, within ten years of the date of 824

the application, has not been convicted of, pleaded guilty to, 825
or adjudicated a delinquent child for committing a violation of 826
section 2921.33 of the Revised Code. 827

(i) The applicant has not been committed to any mental 828
institution, is not under adjudication of mental incompetence, 829
has not been found by a court to be a person with a mental 830
illness subject to court order, and is not an involuntary 831
patient other than one who is a patient only for purposes of 832
observation. As used in this division, "person with a mental 833
illness subject to court order" and "patient" have the same 834
meanings as in section 5122.01 of the Revised Code. 835

(j) The applicant is not currently subject to a civil 836
protection order, a temporary protection order, an extreme risk 837
protection order or ex parte extreme risk protection order 838
issued under sections 2923.26 to 2923.30 of the Revised Code, or 839
a protection order issued by a court of another state. 840

(k) The applicant certifies that the applicant desires a 841
legal means to carry a concealed handgun for defense of the 842
applicant or a member of the applicant's family while engaged in 843
lawful activity. 844

(l) The applicant submits a competency certification of 845
the type described in division (B)(3) of this section and 846
submits a certification of the type described in division (B)(4) 847
of this section regarding the applicant's reading of the 848
pamphlet prepared by the Ohio peace officer training commission 849
pursuant to section 109.731 of the Revised Code. 850

(m) The applicant currently is not subject to a suspension 851
imposed under division (A)(2) of section 2923.128 of the Revised 852
Code of a concealed handgun license that previously was issued 853

to the applicant under this section or section 2923.1213 of the Revised Code or a similar suspension imposed by another state regarding a concealed handgun license issued by that state.

(n) If the applicant resides in another state, the applicant is employed in this state.

(o) The applicant certifies that the applicant is not an unlawful user of or addicted to any controlled substance as defined in 21 U.S.C. 802.

(p) If the applicant is not a United States citizen, the applicant is an alien and has not been admitted to the United States under a nonimmigrant visa, as defined in the "Immigration and Nationality Act," 8 U.S.C. 1101(a) (26).

(q) The applicant has not been discharged from the armed forces of the United States under dishonorable conditions.

(r) The applicant certifies that the applicant has not renounced the applicant's United States citizenship, if applicable.

(s) The applicant has not been convicted of, pleaded guilty to, or adjudicated a delinquent child for committing a violation of section 2919.25 of the Revised Code or a similar violation in another state.

(2) (a) A concealed handgun license that a sheriff issues under division (D) (1) of this section shall expire five years after the date of issuance.

If a sheriff issues a license under this section, the sheriff shall place on the license a unique combination of letters and numbers identifying the license in accordance with the procedure prescribed by the Ohio peace officer training

commission pursuant to section 109.731 of the Revised Code. 882

(b) If a sheriff denies an application under this section 883
because the applicant does not satisfy the criteria described in 884
division (D)(1) of this section, the sheriff shall specify the 885
grounds for the denial in a written notice to the applicant. The 886
applicant may appeal the denial pursuant to section 119.12 of 887
the Revised Code in the county served by the sheriff who denied 888
the application. If the denial was as a result of the criminal 889
records check conducted pursuant to section 311.41 of the 890
Revised Code and if, pursuant to section 2923.127 of the Revised 891
Code, the applicant challenges the criminal records check 892
results using the appropriate challenge and review procedure 893
specified in that section, the time for filing the appeal 894
pursuant to section 119.12 of the Revised Code and this division 895
is tolled during the pendency of the request or the challenge 896
and review. 897

(c) If the court in an appeal under section 119.12 of the 898
Revised Code and division (D)(2)(b) of this section enters a 899
judgment sustaining the sheriff's refusal to grant to the 900
applicant a concealed handgun license, the applicant may file a 901
new application beginning one year after the judgment is 902
entered. If the court enters a judgment in favor of the 903
applicant, that judgment shall not restrict the authority of a 904
sheriff to suspend or revoke the license pursuant to section 905
2923.128 or 2923.1213 of the Revised Code or to refuse to renew 906
the license for any proper cause that may occur after the date 907
the judgment is entered. In the appeal, the court shall have 908
full power to dispose of all costs. 909

(3) If the sheriff with whom an application for a 910
concealed handgun license was filed under this section becomes 911

aware that the applicant has been arrested for or otherwise 912
charged with an offense that would disqualify the applicant from 913
holding the license, the sheriff shall suspend the processing of 914
the application until the disposition of the case arising from 915
the arrest or charge. 916

(4) If an applicant has been convicted of or pleaded 917
guilty to an offense identified in division (D)(1)(e), (f), or 918
(h) of this section or has been adjudicated a delinquent child 919
for committing an act or violation identified in any of those 920
divisions, and if a court has ordered the sealing or expungement 921
of the records of that conviction, guilty plea, or adjudication 922
pursuant to sections 2151.355 to 2151.358, sections 2953.31 to 923
2953.35, or section 2953.39 of the Revised Code or the applicant 924
has been relieved under operation of law or legal process from 925
the disability imposed pursuant to section 2923.13 of the 926
Revised Code relative to that conviction, guilty plea, or 927
adjudication, the sheriff with whom the application was 928
submitted shall not consider the conviction, guilty plea, or 929
adjudication in making a determination under division (D)(1) or 930
(F) of this section or, in relation to an application for a 931
concealed handgun license on a temporary emergency basis 932
submitted under section 2923.1213 of the Revised Code, in making 933
a determination under division (B)(2) of that section. 934

(5) If an applicant has been convicted of or pleaded 935
guilty to a minor misdemeanor offense or has been adjudicated a 936
delinquent child for committing an act or violation that is a 937
minor misdemeanor offense, the sheriff with whom the application 938
was submitted shall not consider the conviction, guilty plea, or 939
adjudication in making a determination under division (D)(1) or 940
(F) of this section or, in relation to an application for a 941
concealed handgun license on a temporary basis submitted under 942

section 2923.1213 of the Revised Code, in making a determination 943
under division (B) (2) of that section. 944

(E) If a concealed handgun license issued under this 945
section is lost or is destroyed, the licensee may obtain from 946
the sheriff who issued that license a duplicate license upon the 947
payment of a fee of fifteen dollars and the submission of an 948
affidavit attesting to the loss or destruction of the license. 949
The sheriff, in accordance with the procedures prescribed in 950
section 109.731 of the Revised Code, shall place on the 951
replacement license a combination of identifying numbers 952
different from the combination on the license that is being 953
replaced. 954

(F) (1) (a) Except as provided in division (F) (1) (b) of this 955
section, a licensee who wishes to renew a concealed handgun 956
license issued under this section may do so at any time before 957
the expiration date of the license or at any time after the 958
expiration date of the license by filing with the sheriff of the 959
county in which the applicant resides or with the sheriff of an 960
adjacent county, or in the case of an applicant who resides in 961
another state with the sheriff of the county that issued the 962
applicant's previous concealed handgun license an application 963
for renewal of the license obtained pursuant to division (D) of 964
this section, a certification by the applicant that, subsequent 965
to the issuance of the license, the applicant has reread the 966
pamphlet prepared by the Ohio peace officer training commission 967
pursuant to section 109.731 of the Revised Code that reviews 968
firearms, dispute resolution, and use of deadly force matters, 969
and a nonrefundable license renewal fee in an amount determined 970
pursuant to division (F) (4) of this section unless the fee is 971
waived. 972

(b) A person on active duty in the armed forces of the 973
United States or in service with the peace corps, volunteers in 974
service to America, or the foreign service of the United States 975
is exempt from the license requirements of this section for the 976
period of the person's active duty or service and for six months 977
thereafter, provided the person was a licensee under this 978
section at the time the person commenced the person's active 979
duty or service or had obtained a license while on active duty 980
or service. The spouse or a dependent of any such person on 981
active duty or in service also is exempt from the license 982
requirements of this section for the period of the person's 983
active duty or service and for six months thereafter, provided 984
the spouse or dependent was a licensee under this section at the 985
time the person commenced the active duty or service or had 986
obtained a license while the person was on active duty or 987
service, and provided further that the person's active duty or 988
service resulted in the spouse or dependent relocating outside 989
of this state during the period of the active duty or service. 990
This division does not prevent such a person or the person's 991
spouse or dependent from making an application for the renewal 992
of a concealed handgun license during the period of the person's 993
active duty or service. 994

(2) A sheriff shall accept a completed renewal 995
application, the license renewal fee, and the information 996
specified in division (F)(1) of this section at the times and in 997
the manners described in division (I) of this section. Upon 998
receipt of a completed renewal application, of certification 999
that the applicant has reread the specified pamphlet prepared by 1000
the Ohio peace officer training commission, and of a license 1001
renewal fee unless the fee is waived, a sheriff, in the manner 1002
specified in section 311.41 of the Revised Code shall conduct or 1003

cause to be conducted the criminal records check and the 1004
incompetency records check described in section 311.41 of the 1005
Revised Code. The sheriff shall renew the license if the sheriff 1006
determines that the applicant continues to satisfy the 1007
requirements described in division (D)(1) of this section, 1008
except that the applicant is not required to meet the 1009
requirements of division (D)(1)(1) of this section. A renewed 1010
license shall expire five years after the date of issuance. A 1011
renewed license is subject to division (E) of this section and 1012
sections 2923.126 and 2923.128 of the Revised Code. A sheriff 1013
shall comply with divisions (D)(2) and (3) of this section when 1014
the circumstances described in those divisions apply to a 1015
requested license renewal. If a sheriff denies the renewal of a 1016
concealed handgun license, the applicant may appeal the denial, 1017
or challenge the criminal record check results that were the 1018
basis of the denial if applicable, in the same manner as 1019
specified in division (D)(2)(b) of this section and in section 1020
2923.127 of the Revised Code, regarding the denial of a license 1021
under this section. 1022

(3) A renewal application submitted pursuant to division 1023
(F) of this section shall only require the licensee to list on 1024
the application form information and matters occurring since the 1025
date of the licensee's last application for a license pursuant 1026
to division (B) or (F) of this section. A sheriff conducting the 1027
criminal records check and the incompetency records check 1028
described in section 311.41 of the Revised Code shall conduct 1029
the check only from the date of the licensee's last application 1030
for a license pursuant to division (B) or (F) of this section 1031
through the date of the renewal application submitted pursuant 1032
to division (F) of this section. 1033

(4) An applicant for a renewal concealed handgun license 1034

under this section shall submit to the sheriff of the county in 1035
which the applicant resides or to the sheriff of any county 1036
adjacent to the county in which the applicant resides, or in the 1037
case of an applicant who resides in another state to the sheriff 1038
of the county that issued the applicant's previous concealed 1039
handgun license, a nonrefundable license fee as described in 1040
either of the following: 1041

(a) For an applicant who has been a resident of this state 1042
for five or more years, a fee of fifty dollars; 1043

(b) For an applicant who has been a resident of this state 1044
for less than five years or who is not a resident of this state 1045
but who is employed in this state, a fee of fifty dollars plus 1046
the actual cost of having a background check performed by the 1047
federal bureau of investigation. 1048

(5) The concealed handgun license of a licensee who is no 1049
longer a resident of this state or no longer employed in this 1050
state, as applicable, is valid until the date of expiration on 1051
the license, and the licensee is prohibited from renewing the 1052
concealed handgun license. 1053

(G) (1) Each course, class, or program described in 1054
division (B) (3) (a), (b), (c), or (e) of this section shall 1055
provide to each person who takes the course, class, or program 1056
the web site address at which the pamphlet prepared by the Ohio 1057
peace officer training commission pursuant to section 109.731 of 1058
the Revised Code that reviews firearms, dispute resolution, and 1059
use of deadly force matters may be found. Each such course, 1060
class, or program described in one of those divisions shall 1061
include at least eight hours of training in the safe handling 1062
and use of a firearm that shall include training, provided as 1063
described in division (G) (3) of this section, on all of the 1064

following: 1065

(a) The ability to name, explain, and demonstrate the 1066
rules for safe handling of a handgun and proper storage 1067
practices for handguns and ammunition; 1068

(b) The ability to demonstrate and explain how to handle 1069
ammunition in a safe manner; 1070

(c) The ability to demonstrate the knowledge, skills, and 1071
attitude necessary to shoot a handgun in a safe manner; 1072

(d) Gun handling training; 1073

(e) A minimum of two hours of in-person training that 1074
consists of range time and live-fire training. 1075

(2) To satisfactorily complete the course, class, or 1076
program described in division (B) (3) (a), (b), (c), or (e) of 1077
this section, the applicant shall pass a competency examination 1078
that shall include both of the following: 1079

(a) A written section, provided as described in division 1080
(G) (3) of this section, on the ability to name and explain the 1081
rules for the safe handling of a handgun and proper storage 1082
practices for handguns and ammunition; 1083

(b) An in-person physical demonstration of competence in 1084
the use of a handgun and in the rules for safe handling and 1085
storage of a handgun and a physical demonstration of the 1086
attitude necessary to shoot a handgun in a safe manner. 1087

(3) (a) Except as otherwise provided in this division, the 1088
training specified in division (G) (1) (a) of this section shall 1089
be provided to the person receiving the training in person by an 1090
instructor. If the training specified in division (G) (1) (a) of 1091
this section is provided by a course, class, or program 1092

described in division (B) (3) (a) of this section, or it is 1093
provided by a course, class, or program described in division 1094
(B) (3) (b), (c), or (e) of this section and the instructor is a 1095
qualified instructor certified by a national gun advocacy 1096
organization, the training so specified, other than the training 1097
that requires the person receiving the training to demonstrate 1098
handling abilities, may be provided online or as a combination 1099
of in-person and online training, as long as the online training 1100
includes an interactive component that regularly engages the 1101
person. 1102

(b) Except as otherwise provided in this division, the 1103
written section of the competency examination specified in 1104
division (G) (2) (a) of this section shall be administered to the 1105
person taking the competency examination in person by an 1106
instructor. If the training specified in division (G) (1) (a) of 1107
this section is provided to the person receiving the training by 1108
a course, class, or program described in division (B) (3) (a) of 1109
this section, or it is provided by a course, class, or program 1110
described in division (B) (3) (b), (c), or (e) of this section and 1111
the instructor is a qualified instructor certified by a national 1112
gun advocacy organization, the written section of the competency 1113
examination specified in division (G) (2) (a) of this section may 1114
be administered online, as long as the online training includes 1115
an interactive component that regularly engages the person. 1116

(4) The competency certification described in division (B) 1117
(3) (a), (b), (c), or (e) of this section shall be dated and 1118
shall attest that the course, class, or program the applicant 1119
successfully completed met the requirements described in 1120
division (G) (1) of this section and that the applicant passed 1121
the competency examination described in division (G) (2) of this 1122
section. 1123

(H) Upon deciding to issue a concealed handgun license, 1124
deciding to issue a replacement concealed handgun license, or 1125
deciding to renew a concealed handgun license pursuant to this 1126
section, and before actually issuing or renewing the license, 1127
the sheriff shall make available through the law enforcement 1128
automated data system all information contained on the license. 1129
If the license subsequently is suspended under division (A) (1) 1130
or (2) of section 2923.128 of the Revised Code, revoked pursuant 1131
to division (B) (1) of section 2923.128 of the Revised Code, or 1132
lost or destroyed, the sheriff also shall make available through 1133
the law enforcement automated data system a notation of that 1134
fact. The superintendent of the state highway patrol shall 1135
ensure that the law enforcement automated data system is so 1136
configured as to permit the transmission through the system of 1137
the information specified in this division. 1138

(I) (1) A sheriff shall accept a completed application form 1139
or renewal application, and the fee, items, materials, and 1140
information specified in divisions (B) (1) to (5) or division (F) 1141
of this section, whichever is applicable, and shall provide an 1142
application form or renewal application to any person during at 1143
least fifteen hours a week and shall provide the web site 1144
address at which a printable version of the application form 1145
that can be downloaded and the pamphlet described in division 1146
(B) of section 109.731 of the Revised Code may be found at any 1147
time, upon request. The sheriff shall post notice of the hours 1148
during which the sheriff is available to accept or provide the 1149
information described in this division. 1150

(2) A sheriff shall transmit a notice to the attorney 1151
general, in a manner determined by the attorney general, every 1152
time a license is issued that waived payment under division (B) 1153
(1) (c) of this section for an applicant who is an active or 1154

reserve member of the armed forces of the United States or has 1155
retired from or was honorably discharged from military service 1156
in the active or reserve armed forces of the United States. The 1157
attorney general shall monitor and inform sheriffs issuing 1158
licenses under this section when the amount of license fee 1159
payments waived and transmitted to the attorney general reach 1160
one million five hundred thousand dollars each year. Once a 1161
sheriff is informed that the payments waived reached one million 1162
five hundred thousand dollars in any year, a sheriff shall no 1163
longer waive payment of a license fee for an applicant who is an 1164
active or reserve member of the armed forces of the United 1165
States or has retired from or was honorably discharged from 1166
military service in the active or reserve armed forces of the 1167
United States for the remainder of that year. 1168

Sec. 2923.128. (A) (1) (a) If a licensee holding a valid 1169
concealed handgun license is arrested for or otherwise charged 1170
with an offense described in division (D) (1) (d) of section 1171
2923.125 of the Revised Code or with a violation of section 1172
2923.15 of the Revised Code or becomes subject to a temporary 1173
protection order or to a protection order issued by a court of 1174
another state that is substantially equivalent to a temporary 1175
protection order, the sheriff who issued the license shall 1176
suspend it and shall comply with division (A) (3) of this section 1177
upon becoming aware of the arrest, charge, or protection order. 1178
Upon suspending the license, the sheriff also shall comply with 1179
division (H) of section 2923.125 of the Revised Code. 1180

(b) A suspension under division (A) (1) (a) of this section 1181
shall be considered as beginning on the date that the licensee 1182
is arrested for or otherwise charged with an offense described 1183
in that division or on the date the appropriate court issued the 1184
protection order described in that division, irrespective of 1185

when the sheriff notifies the licensee under division (A) (3) of 1186
this section. The suspension shall end on the date on which the 1187
charges are dismissed or the licensee is found not guilty of the 1188
offense described in division (A) (1) (a) of this section or, 1189
subject to division (B) of this section, on the date the 1190
appropriate court terminates the protection order described in 1191
that division. If the suspension so ends, the sheriff shall 1192
return the license or temporary emergency license to the 1193
licensee. 1194

(2) (a) If a licensee holding a valid concealed handgun 1195
license is convicted of or pleads guilty to a misdemeanor 1196
violation of division (B) (2) or (4) of section 2923.12 of the 1197
Revised Code or of division (E) (3) or (5) of section 2923.16 of 1198
the Revised Code, subject to division (C) of this section, the 1199
sheriff who issued the license shall suspend it and shall comply 1200
with division (A) (3) of this section upon becoming aware of the 1201
conviction or guilty plea. Upon suspending the license, the 1202
sheriff also shall comply with division (H) of section 2923.125 1203
of the Revised Code. 1204

(b) A suspension under division (A) (2) (a) of this section 1205
shall be considered as beginning on the date that the licensee 1206
is convicted of or pleads guilty to the offense described in 1207
that division, irrespective of when the sheriff notifies the 1208
licensee under division (A) (3) of this section. If the 1209
suspension is imposed for a misdemeanor violation of division 1210
(B) (2) of section 2923.12 of the Revised Code or of division (E) 1211
(3) of section 2923.16 of the Revised Code, it shall end on the 1212
date that is one year after the date that the licensee is 1213
convicted of or pleads guilty to that violation. If the 1214
suspension is imposed for a misdemeanor violation of division 1215
(B) (4) of section 2923.12 of the Revised Code or of division (E) 1216

(5) of section 2923.16 of the Revised Code, it shall end on the 1217
date that is two years after the date that the licensee is 1218
convicted of or pleads guilty to that violation. If the 1219
licensee's license was issued under section 2923.125 of the 1220
Revised Code and the license remains valid after the suspension 1221
ends as described in this division, when the suspension ends, 1222
the sheriff shall return the license to the licensee. If the 1223
licensee's license was issued under section 2923.125 of the 1224
Revised Code and the license expires before the suspension ends 1225
as described in this division, or if the licensee's license was 1226
issued under section 2923.1213 of the Revised Code, the licensee 1227
is not eligible to apply for a new license under section 1228
2923.125 or 2923.1213 of the Revised Code or to renew the 1229
license under section 2923.125 of the Revised Code until after 1230
the suspension ends as described in this division. 1231

(3) Upon becoming aware of an arrest, charge, or 1232
protection order described in division (A)(1)(a) of this section 1233
with respect to a licensee who was issued a concealed handgun 1234
license, or a conviction of or plea of guilty to a misdemeanor 1235
offense described in division (A)(2)(a) of this section with 1236
respect to a licensee who was issued a concealed handgun 1237
license, subject to division (C) of this section, the sheriff 1238
who issued the licensee's license shall notify the licensee, by 1239
certified mail, return receipt requested, at the licensee's last 1240
known residence address that the license has been suspended and 1241
that the licensee is required to surrender the license at the 1242
sheriff's office within ten days of the date on which the notice 1243
was mailed. If the suspension is pursuant to division (A)(2) of 1244
this section, the notice shall identify the date on which the 1245
suspension ends. 1246

(B)(1) A sheriff who issues a concealed handgun license to 1247

a licensee shall revoke the license in accordance with division 1248
(B) (2) of this section upon becoming aware that the licensee 1249
satisfies any of the following: 1250

(a) The licensee is under twenty-one years of age. 1251

(b) Subject to division (C) of this section, at the time 1252
of the issuance of the license, the licensee did not satisfy the 1253
eligibility requirements of division (D) (1) (c), (d), (e), (f), 1254
(g), or (h) of section 2923.125 of the Revised Code. 1255

(c) Subject to division (C) of this section, on or after 1256
the date on which the license was issued, the licensee is 1257
convicted of or pleads guilty to a violation of section 2923.15 1258
of the Revised Code or an offense described in division (D) (1) 1259
(e), (f), (g), or (h) of section 2923.125 of the Revised Code. 1260

(d) On or after the date on which the license was issued, 1261
the licensee becomes subject to an extreme risk protection order 1262
or ex parte extreme risk protection order issued under sections 1263
2923.26 to 2923.30 of the Revised Code, a civil protection order 1264
or to a protection order issued by a court of another state that 1265
is substantially equivalent to a civil protection order. 1266

(e) The licensee knowingly carries a concealed handgun 1267
into a place that the licensee knows is an unauthorized place 1268
specified in division (B) of section 2923.126 of the Revised 1269
Code. 1270

(f) On or after the date on which the license was issued, 1271
the licensee is under adjudication of mental incompetence or is 1272
committed to a mental institution. 1273

(g) At the time of the issuance of the license, the 1274
licensee did not meet the residency requirements described in 1275
division (D) (1) of section 2923.125 of the Revised Code and 1276

currently does not meet the residency requirements described in 1277
that division. 1278

(h) Regarding a license issued under section 2923.125 of 1279
the Revised Code, the competency certificate the licensee 1280
submitted was forged or otherwise was fraudulent. 1281

(2) Upon becoming aware of any circumstance listed in 1282
division (B)(1) of this section that applies to a particular 1283
licensee who was issued a concealed handgun license, subject to 1284
division (C) of this section, the sheriff who issued the license 1285
to the licensee shall notify the licensee, by certified mail, 1286
return receipt requested, at the licensee's last known residence 1287
address that the license is subject to revocation and that the 1288
licensee may come to the sheriff's office and contest the 1289
sheriff's proposed revocation within fourteen days of the date 1290
on which the notice was mailed. After the fourteen-day period 1291
and after consideration of any information that the licensee 1292
provides during that period, if the sheriff determines on the 1293
basis of the information of which the sheriff is aware that the 1294
licensee is described in division (B)(1) of this section and no 1295
longer satisfies the requirements described in division (D)(1) 1296
of section 2923.125 of the Revised Code that are applicable to 1297
the licensee's type of license, the sheriff shall revoke the 1298
license, notify the licensee of that fact, and require the 1299
licensee to surrender the license. Upon revoking the license, 1300
the sheriff also shall comply with division (H) of section 1301
2923.125 of the Revised Code. 1302

(C) If a sheriff who issues a concealed handgun license to 1303
a licensee becomes aware that at the time of the issuance of the 1304
license the licensee had been convicted of or pleaded guilty to 1305
an offense identified in division (D)(1)(e), (f), or (h) of 1306

section 2923.125 of the Revised Code or had been adjudicated a
delinquent child for committing an act or violation identified
in any of those divisions or becomes aware that on or after the
date on which the license was issued the licensee has been
convicted of or pleaded guilty to an offense identified in
division (A)(2)(a) or (B)(1)(c) of this section, the sheriff
shall not consider that conviction, guilty plea, or adjudication
as having occurred for purposes of divisions (A)(2), (A)(3), (B)
(1), and (B)(2) of this section if a court has ordered the
sealing or expungement of the records of that conviction, guilty
plea, or adjudication pursuant to sections 2151.355 to 2151.358,
sections 2953.31 to 2953.35, or section 2953.39 of the Revised
Code or the licensee has been relieved under operation of law or
legal process from the disability imposed pursuant to section
2923.13 of the Revised Code relative to that conviction, guilty
plea, or adjudication.

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

Sec. 2923.1213. (A) As used in this section:

(1) "Evidence of imminent danger" means any of the
following:

(a) A statement sworn by the person seeking to carry a
concealed handgun that is made under threat of perjury and that
states that the person has reasonable cause to fear a criminal
attack upon the person or a member of the person's family, such
as would justify a prudent person in going armed;

(b) A written document prepared by a governmental entity
or public official describing the facts that give the person

seeking to carry a concealed handgun reasonable cause to fear a 1336
criminal attack upon the person or a member of the person's 1337
family, such as would justify a prudent person in going armed. 1338
Written documents of this nature include, but are not limited 1339
to, any temporary protection order, civil protection order, 1340
protection order issued by another state, or other court order, 1341
any court report, and any report filed with or made by a law 1342
enforcement agency or prosecutor. 1343

(2) "Prosecutor" has the same meaning as in section 1344
2935.01 of the Revised Code. 1345

(B) (1) A person seeking a concealed handgun license on a 1346
temporary emergency basis shall submit to the sheriff of the 1347
county in which the person resides or, if the person usually 1348
resides in another state, to the sheriff of the county in which 1349
the person is temporarily staying, all of the following: 1350

(a) Evidence of imminent danger to the person or a member 1351
of the person's family; 1352

(b) A sworn affidavit that contains all of the information 1353
required to be on the license and attesting that the person is 1354
legally living in the United States; is at least twenty-one 1355
years of age; is not a fugitive from justice; is not under 1356
indictment for or otherwise charged with an offense identified 1357
in division (D) (1) (d) of section 2923.125 of the Revised Code; 1358
has not been convicted of or pleaded guilty to an offense, and 1359
has not been adjudicated a delinquent child for committing an 1360
act, identified in division (D) (1) (e) of that section and to 1361
which division (B) (3) of this section does not apply; within 1362
three years of the date of the submission, has not been 1363
convicted of or pleaded guilty to an offense, and has not been 1364
adjudicated a delinquent child for committing an act, identified 1365

in division (D)(1)(f) of that section and to which division (B) 1366
(3) of this section does not apply; within five years of the 1367
date of the submission, has not been convicted of, pleaded 1368
guilty, or adjudicated a delinquent child for committing two or 1369
more violations identified in division (D)(1)(g) of that 1370
section; within ten years of the date of the submission, has not 1371
been convicted of, pleaded guilty, or adjudicated a delinquent 1372
child for committing a violation identified in division (D)(1) 1373
(h) of that section and to which division (B)(3) of this section 1374
does not apply; has not been committed to any mental 1375
institution, is not under adjudication of mental incompetence, 1376
has not been found by a court to be a person with a mental 1377
illness subject to court order, and is not an involuntary 1378
patient other than one who is a patient only for purposes of 1379
observation, as described in division (D)(1)(i) of that section; 1380
is not currently subject to a civil protection order, a 1381
temporary protection order, an extreme risk protection order or 1382
ex parte extreme risk protection order issued under sections 1383
2923.26 to 2923.30 of the Revised Code, or a protection order 1384
issued by a court of another state, as described in division (D) 1385
(1)(j) of that section; is not currently subject to a suspension 1386
imposed under division (A)(2) of section 2923.128 of the Revised 1387
Code of a concealed handgun license that previously was issued 1388
to the person or a similar suspension imposed by another state 1389
regarding a concealed handgun license issued by that state; is 1390
not an unlawful user of or addicted to any controlled substance 1391
as defined in 21 U.S.C. 802; if applicable, is an alien and has 1392
not been admitted to the United States under a nonimmigrant 1393
visa, as defined in the "Immigration and Nationality Act," 8 1394
U.S.C. 1101(a)(26); has not been discharged from the armed 1395
forces of the United States under dishonorable conditions; if 1396
applicable, has not renounced the applicant's United States 1397

citizenship; and has not been convicted of, pleaded guilty to, 1398
or been adjudicated a delinquent child for committing a 1399
violation identified in division (D)(1)(s) of section 2923.125 1400
of the Revised Code; 1401

(c) A nonrefundable temporary emergency license fee as 1402
described in either of the following: 1403

(i) For an applicant who has been a resident of this state 1404
for five or more years, a fee of fifteen dollars plus the actual 1405
cost of having a background check performed by the bureau of 1406
criminal identification and investigation pursuant to section 1407
311.41 of the Revised Code; 1408

(ii) For an applicant who has been a resident of this 1409
state for less than five years or who is not a resident of this 1410
state, but is temporarily staying in this state, a fee of 1411
fifteen dollars plus the actual cost of having background checks 1412
performed by the federal bureau of investigation and the bureau 1413
of criminal identification and investigation pursuant to section 1414
311.41 of the Revised Code. 1415

(d) A set of fingerprints of the applicant provided as 1416
described in section 311.41 of the Revised Code through use of 1417
an electronic fingerprint reading device or, if the sheriff to 1418
whom the application is submitted does not possess and does not 1419
have ready access to the use of an electronic fingerprint 1420
reading device, on a standard impression sheet prescribed 1421
pursuant to division (C)(2) of section 109.572 of the Revised 1422
Code. If the fingerprints are provided on a standard impression 1423
sheet, the person also shall provide the person's social 1424
security number to the sheriff. 1425

(2) A sheriff shall accept the evidence of imminent 1426

danger, the sworn affidavit, the fee, and the set of 1427
fingerprints required under division (B)(1) of this section at 1428
the times and in the manners described in division (I) of this 1429
section. Upon receipt of the evidence of imminent danger, the 1430
sworn affidavit, the fee, and the set of fingerprints required 1431
under division (B)(1) of this section, the sheriff, in the 1432
manner specified in section 311.41 of the Revised Code, 1433
immediately shall conduct or cause to be conducted the criminal 1434
records check and the incompetency records check described in 1435
section 311.41 of the Revised Code. Immediately upon receipt of 1436
the results of the records checks, the sheriff shall review the 1437
information and shall determine whether the criteria set forth 1438
in divisions (D)(1)(a) to (j) and (m) to (s) of section 2923.125 1439
of the Revised Code apply regarding the person. If the sheriff 1440
determines that all of the criteria set forth in divisions (D) 1441
(1)(a) to (j) and (m) to (s) of section 2923.125 of the Revised 1442
Code apply regarding the person, the sheriff shall immediately 1443
make available through the law enforcement automated data system 1444
all information that will be contained on the temporary 1445
emergency license for the person if one is issued, and the 1446
superintendent of the state highway patrol shall ensure that the 1447
system is so configured as to permit the transmission through 1448
the system of that information. Upon making that information 1449
available through the law enforcement automated data system, the 1450
sheriff shall immediately issue to the person a concealed 1451
handgun license on a temporary emergency basis. 1452

If the sheriff denies the issuance of a license on a 1453
temporary emergency basis to the person, the sheriff shall 1454
specify the grounds for the denial in a written notice to the 1455
person. The person may appeal the denial, or challenge criminal 1456
records check results that were the basis of the denial if 1457

applicable, in the same manners specified in division (D) (2) of 1458
section 2923.125 and in section 2923.127 of the Revised Code, 1459
regarding the denial of an application for a concealed handgun 1460
license under that section. 1461

The license on a temporary emergency basis issued under 1462
this division shall be in the form, and shall include all of the 1463
information, described in divisions (A) (2) (a) and (d) of section 1464
109.731 of the Revised Code, and also shall include a unique 1465
combination of identifying letters and numbers in accordance 1466
with division (A) (2) (c) of that section. 1467

The license on a temporary emergency basis issued under 1468
this division is valid for ninety days and may not be renewed. A 1469
person who has been issued a license on a temporary emergency 1470
basis under this division shall not be issued another license on 1471
a temporary emergency basis unless at least four years has 1472
expired since the issuance of the prior license on a temporary 1473
emergency basis. 1474

(3) If a person seeking a concealed handgun license on a 1475
temporary emergency basis has been convicted of or pleaded 1476
guilty to an offense identified in division (D) (1) (e), (f), or 1477
(h) of section 2923.125 of the Revised Code or has been 1478
adjudicated a delinquent child for committing an act or 1479
violation identified in any of those divisions, and if a court 1480
has ordered the sealing or expungement of the records of that 1481
conviction, guilty plea, or adjudication pursuant to sections 1482
2151.355 to 2151.358, sections 2953.31 to 2953.35, or section 1483
2953.39 of the Revised Code or the applicant has been relieved 1484
under operation of law or legal process from the disability 1485
imposed pursuant to section 2923.13 of the Revised Code relative 1486
to that conviction, guilty plea, or adjudication, the 1487

conviction, guilty plea, or adjudication shall not be relevant 1488
for purposes of the sworn affidavit described in division (B) (1) 1489
(b) of this section, and the person may complete, and swear to 1490
the truth of, the affidavit as if the conviction, guilty plea, 1491
or adjudication never had occurred. 1492

(4) The sheriff shall waive the payment pursuant to 1493
division (B) (1) (c) of this section of the license fee in 1494
connection with an application that is submitted by an applicant 1495
who is a retired peace officer, a retired person described in 1496
division (B) (1) (b) of section 109.77 of the Revised Code, or a 1497
retired federal law enforcement officer who, prior to 1498
retirement, was authorized under federal law to carry a firearm 1499
in the course of duty, unless the retired peace officer, person, 1500
or federal law enforcement officer retired as the result of a 1501
mental disability. 1502

The sheriff shall deposit all fees paid by an applicant 1503
under division (B) (1) (c) of this section into the sheriff's 1504
concealed handgun license issuance fund established pursuant to 1505
section 311.42 of the Revised Code. 1506

(C) A person who holds a concealed handgun license on a 1507
temporary emergency basis has the same right to carry a 1508
concealed handgun as a person who was issued a concealed handgun 1509
license under section 2923.125 of the Revised Code, and any 1510
exceptions to the prohibitions contained in section 1547.69 and 1511
sections 2923.12 to 2923.16 of the Revised Code for a licensee 1512
under section 2923.125 of the Revised Code apply to a licensee 1513
under this section. The person is subject to the same 1514
restrictions, and to all other procedures, duties, and 1515
sanctions, that apply to a person who carries a license issued 1516
under section 2923.125 of the Revised Code, other than the 1517

license renewal procedures set forth in that section. 1518

(D) A sheriff who issues a concealed handgun license on a 1519
temporary emergency basis under this section shall not require a 1520
person seeking to carry a concealed handgun in accordance with 1521
this section to submit a competency certificate as a 1522
prerequisite for issuing the license and shall comply with 1523
division (H) of section 2923.125 of the Revised Code in regards 1524
to the license. The sheriff shall suspend or revoke the license 1525
in accordance with section 2923.128 of the Revised Code. In 1526
addition to the suspension or revocation procedures set forth in 1527
section 2923.128 of the Revised Code, the sheriff may revoke the 1528
license upon receiving information, verifiable by public 1529
documents, that the person is not eligible to possess a firearm 1530
under either the laws of this state or of the United States or 1531
that the person committed perjury in obtaining the license; if 1532
the sheriff revokes a license under this additional authority, 1533
the sheriff shall notify the person, by certified mail, return 1534
receipt requested, at the person's last known residence address 1535
that the license has been revoked and that the person is 1536
required to surrender the license at the sheriff's office within 1537
ten days of the date on which the notice was mailed. Division 1538
(H) of section 2923.125 of the Revised Code applies regarding 1539
any suspension or revocation of a concealed handgun license on a 1540
temporary emergency basis. 1541

(E) A sheriff who issues a concealed handgun license on a 1542
temporary emergency basis under this section shall retain, for 1543
the entire period during which the license is in effect, the 1544
evidence of imminent danger that the person submitted to the 1545
sheriff and that was the basis for the license, or a copy of 1546
that evidence, as appropriate. 1547

(F) If a concealed handgun license on a temporary 1548
emergency basis issued under this section is lost or is 1549
destroyed, the licensee may obtain from the sheriff who issued 1550
that license a duplicate license upon the payment of a fee of 1551
fifteen dollars and the submission of an affidavit attesting to 1552
the loss or destruction of the license. The sheriff, in 1553
accordance with the procedures prescribed in section 109.731 of 1554
the Revised Code, shall place on the replacement license a 1555
combination of identifying numbers different from the 1556
combination on the license that is being replaced. 1557

(G) The attorney general shall prescribe, and shall make 1558
available to sheriffs, a standard form to be used under division 1559
(B) of this section by a person who applies for a concealed 1560
handgun license on a temporary emergency basis on the basis of 1561
imminent danger of a type described in division (A) (1) (a) of 1562
this section. The attorney general shall design the form to 1563
enable applicants to provide the information that is required by 1564
law to be collected, and shall update the form as necessary. 1565
Burdens or restrictions to obtaining a concealed handgun license 1566
that are not expressly prescribed in law shall not be 1567
incorporated into the form. The attorney general shall post a 1568
printable version of the form on the web site of the attorney 1569
general and shall provide the address of the web site to any 1570
person who requests the form. 1571

(H) A sheriff who receives any fees paid by a person under 1572
this section shall deposit all fees so paid into the sheriff's 1573
concealed handgun license issuance expense fund established 1574
under section 311.42 of the Revised Code. 1575

(I) A sheriff shall accept evidence of imminent danger, a 1576
sworn affidavit, the fee, and the set of fingerprints specified 1577

in division (B)(1) of this section at any time during normal 1578
business hours. In no case shall a sheriff require an 1579
appointment, or designate a specific period of time, for the 1580
submission or acceptance of evidence of imminent danger, a sworn 1581
affidavit, the fee, and the set of fingerprints specified in 1582
division (B)(1) of this section, or for the provision to any 1583
person of a standard form to be used for a person to apply for a 1584
concealed handgun license on a temporary emergency basis. 1585

Sec. 2923.13. (A) Unless relieved from disability under 1586
operation of law or legal process, no person shall knowingly 1587
acquire, have, carry, or use any firearm or dangerous ordnance, 1588
if any of the following apply: 1589

(1) The person is a fugitive from justice. 1590

(2) The person is under indictment for or has been 1591
convicted of any felony offense of violence or has been 1592
adjudicated a delinquent child for the commission of an offense 1593
that, if committed by an adult, would have been a felony offense 1594
of violence. 1595

(3) The person is under indictment for or has been 1596
convicted of any felony offense involving the illegal 1597
possession, use, sale, administration, distribution, or 1598
trafficking in any drug of abuse or has been adjudicated a 1599
delinquent child for the commission of an offense that, if 1600
committed by an adult, would have been a felony offense 1601
involving the illegal possession, use, sale, administration, 1602
distribution, or trafficking in any drug of abuse. 1603

(4) The person has a drug dependency, is in danger of drug 1604
dependence, or has chronic alcoholism. 1605

(5) The person is under adjudication of mental 1606

incompetence, has been committed to a mental institution, has 1607
been found by a court to be a person with a mental illness 1608
subject to court order, or is an involuntary patient other than 1609
one who is a patient only for purposes of observation. ~~As used~~ 1610
~~in this division, "person with a mental illness subject to court~~ 1611
~~order" and "patient" have the same meanings as in section~~ 1612
~~5122.01 of the Revised Code.~~ 1613

(6) The person has been found guilty of having a firearm 1614
while under extreme risk protection order disability, and is 1615
prohibited from acquiring, having, carrying, or using a firearm 1616
under section 2923.99 of the Revised Code. 1617

(B) Whoever violates this section is guilty of having 1618
weapons while under disability, a felony of the third degree. 1619

(C) For the purposes of this section, ~~"under:~~ 1620

(1) "Under operation of law or legal process" shall not 1621
itself include mere completion, termination, or expiration of a 1622
sentence imposed as a result of a criminal conviction. 1623

(2) "Mentally ill person subject to court order" and 1624
"patient" have the same meanings as in section 5122.01 of the 1625
Revised Code. 1626

Sec. 2923.26. (A) As used in this section and sections 1627
2923.27 to 2923.30 of the Revised Code: 1628

(1) "Extreme risk protection order" means a final order 1629
granted under section 2923.26 of the Revised Code. 1630

(2) "Ex parte extreme risk protection order" means an ex 1631
parte order granted under section 2923.27 of the Revised Code. 1632

(3) "Family or household member" means, with respect to a 1633
respondent, any of the following: 1634

- (a) A person related by blood, marriage, or adoption to 1635
the respondent; 1636
- (b) A person in a dating relationship with the respondent; 1637
- (c) A person who has a child in common with the 1638
respondent, regardless of whether the person has been married to 1639
the respondent or has lived together with the respondent at any 1640
time; 1641
- (d) A person who resides with the respondent or who has 1642
resided with the respondent within the past year; 1643
- (e) A person who has a biological or legal parent-child 1644
relationship with the respondent, including a stepparent, 1645
stepchild, grandparent, and grandchild of the respondent; 1646
- (f) A person who is acting or has acted as the 1647
respondent's legal guardian. 1648
- (4) "Petitioner" means the person who petitions for an 1649
extreme risk protection order under this section. 1650
- (5) "Respondent" means the person who is identified as the 1651
subject of a petition for an extreme risk protection order under 1652
this section. 1653
- (6) "Law enforcement officer" means a sheriff, deputy 1654
sheriff, constable, police officer of a township or joint police 1655
district, municipal police officer, or state highway patrol 1656
trooper. 1657
- (7) "Law enforcement agency" means a municipal or township 1658
police department, a county sheriff's office, or the state 1659
highway patrol. 1660
- (B) (1) Any of the following persons may seek relief under 1661

sections 2923.26 to 2923.30 of the Revised Code by filing a 1662
petition for an extreme risk protection order in the court of 1663
common pleas in the county where the petitioner resides or in 1664
the county where the respondent resides: 1665

(a) A family or household member of the respondent; 1666

(b) A law enforcement officer or law enforcement agency. 1667

(2) If a petitioner files a petition for an extreme risk 1668
protection order, in addition to the petition, the petitioner 1669
may file an application for an ex parte extreme risk protection 1670
order under section 2923.27 of the Revised Code. An application 1671
for an ex parte extreme risk protection order may be filed as 1672
specified in that section in the court of common pleas in which 1673
the petition is filed or in a county court or municipal court. 1674
If a petitioner who files a petition for an extreme risk 1675
protection order also files an application for an ex parte 1676
extreme risk protection order, except as expressly specified to 1677
the contrary, the provisions of this section apply with respect 1678
to the petition that is related to the application. 1679

(C) A petition for an extreme risk protection order shall 1680
include all of the following: 1681

(1) An allegation that the respondent poses a significant 1682
danger of causing personal injury to self or others by having in 1683
the respondent's custody or control, purchasing, possessing, or 1684
receiving a firearm, accompanied by an affidavit made under oath 1685
stating the specific statements, actions, or facts that give 1686
rise to a reasonable fear of future dangerous acts by the 1687
respondent; 1688

(2) An inventory list including the number, types, and 1689
locations of every firearm the petitioner believes to be in the 1690

respondent's ownership, possession, custody, or control; 1691

(3) A list of any protection order issued under section 1692
2151.34, 2903.213, 2903.214, 2919.26, or 3113.31 of the Revised 1693
Code to which the respondent is subject and of which the 1694
petitioner is aware; 1695

(4) A list of any pending lawsuit, complaint, petition, or 1696
other legal action between the parties. 1697

(D) The court shall verify the terms of any existing order 1698
governing the parties but shall not delay granting relief under 1699
this section or section 2923.27 of the Revised Code because an 1700
action is pending between the parties. A petition for an extreme 1701
risk protection order may be granted whether or not an action 1702
between the parties is pending. 1703

(E) If the petitioner for an extreme risk protection order 1704
is a law enforcement officer or agency, the petitioner shall 1705
make a good faith effort to provide notice to a family or 1706
household member or third party who may be at risk of violence. 1707
The notice shall state that the petitioner intends to petition 1708
the court for an extreme risk protection order or that the 1709
petitioner has already done so, and include referrals to 1710
appropriate resources, including mental health, domestic 1711
violence, and counseling resources. The petitioner shall attest 1712
in the petition to having provided this notice, or attest to the 1713
steps that will be taken to provide the notice. 1714

(F) If the petition for an extreme risk protection order 1715
states that disclosure of the petitioner's address would risk 1716
harm to the petitioner or any member of the petitioner's family 1717
or household, the petitioner's address may be omitted from all 1718
documents filed with the court. If the petitioner has not 1719

disclosed an address under this division, the petitioner shall 1720
designate an alternate address at which the respondent may serve 1721
notice of any motions. If the petitioner is a law enforcement 1722
officer or agency, the address of record shall be the address of 1723
the law enforcement agency. 1724

(G) The court shall not charge a fee to a petitioner for 1725
filing a petition under this section or for filing an 1726
application for an ex parte extreme risk protection order under 1727
section 2923.27 of the Revised Code, and shall not charge the 1728
petitioner for service of process of the petition. The court 1729
shall provide the necessary certified copies and forms and shall 1730
provide materials explaining the process of filing a petition 1731
for an extreme risk protection order to persons free of charge. 1732

(H) No petitioner for an extreme risk protection order 1733
shall be required to post a bond to obtain relief under this 1734
section or sections 2923.27 to 2923.30 of the Revised Code. 1735

(I) (1) Upon receiving a petition for an extreme risk 1736
protection order, the court shall do all of the following, 1737
subject to division (I) (2) of this section: 1738

(a) Order a hearing to be held not later than fourteen 1739
days after the date the petition is filed; 1740

(b) Issue a notice of the date, time, and location of the 1741
hearing to the respondent named in the petition; 1742

(c) Cause a copy of the notice of hearing and petition to 1743
be forwarded on or before the next judicial day to a local law 1744
enforcement agency for service on the respondent. 1745

(2) If a petitioner who files a petition for an extreme 1746
risk protection order also files an application for an ex parte 1747
extreme risk protection order under section 2923.27 of the 1748

Revised Code with respect to the same respondent, the court 1749
shall order the hearing specified in division (I)(1)(a) of this 1750
section, but except as provided in division (E)(4) of section 1751
2923.27 of the Revised Code, the court shall not issue the 1752
notice under division (I)(1)(b) of this section, cause the copy 1753
of the notice and petition to be served under division (I)(1)(c) 1754
of this section, or conduct the hearing. 1755

(J) The court may do either of the following with respect 1756
to a petition for an extreme risk protection order: 1757

(1) Subject to division (K) of this section, schedule a 1758
hearing by telephone pursuant to local court rule, to reasonably 1759
accommodate a disability, or, in exceptional circumstances, to 1760
protect a petitioner from potential harm; 1761

(2) Issue an ex parte extreme risk protection order under 1762
section 2923.27 of the Revised Code, if an application for such 1763
an order is made under that section. 1764

(K) The court shall require assurances of the petitioner's 1765
identity before conducting a telephonic hearing under division 1766
(J)(1) of this section. 1767

(L) Except as otherwise provided in this division, the 1768
local law enforcement agency shall personally serve the petition 1769
and notice of the hearing on the respondent not less than five 1770
judicial days prior to the hearing. If the petitioner who filed 1771
the petition for an extreme risk protection order also filed an 1772
application for an ex parte extreme risk protection order under 1773
section 2923.27 of the Revised Code with respect to the same 1774
respondent, the agency shall serve the notice and petition as 1775
specified in division (E)(3) or (4) of section 2923.27 of the 1776
Revised Code. Service issued under this section shall take 1777

precedence over other service of other documents, unless those 1778
documents are also of an emergency nature. If the local law 1779
enforcement agency cannot serve process under this section 1780
within the time period specified, the court shall set a new 1781
hearing date and either require the local law enforcement agency 1782
to attempt personal service again or shall permit service by 1783
publication or mail as provided in division (H) of section 1784
2923.28 of the Revised Code. The court shall not require more 1785
than two attempts at obtaining personal service and shall permit 1786
service by publication or mail after two attempts unless the 1787
petitioner requests additional time to attempt personal service. 1788
If the court issues an order that permits service by publication 1789
or mail, the court shall set the hearing date not later than 1790
twenty-four days after the date the order is issued. 1791

(M) (1) Upon hearing a petition for an extreme risk 1792
protection order, subject to division (M) (2) of this section, if 1793
the court finds by a preponderance of the evidence that the 1794
respondent poses a significant danger of causing personal injury 1795
to self or others by having custody or control of a firearm or 1796
the ability to purchase, possess, or receive a firearm, the 1797
court shall issue an extreme risk protection order for a period 1798
of one hundred eighty days. 1799

(2) Division (M) (1) of this section does not apply to a 1800
determination of whether an ex parte extreme risk protection 1801
order should be issued under section 2923.27 of the Revised 1802
Code. Divisions (B) and (C) of that section govern the 1803
determination of whether such an order should be issued. If a 1804
court issues an ex parte extreme risk protection order under 1805
that section, division (M) (1) of this section applies in 1806
determining whether to issue a final extreme risk protection 1807
order after a hearing held on the related petition for an order. 1808

If a court denies an application for an ex parte extreme risk protection order under that section, division (M) (1) of this section applies in determining whether to issue an extreme risk protection order after a hearing held on the related petition for an order. 1809
1810
1811
1812
1813

(N) In determining whether grounds for an extreme risk protection order exist under division (M) (1) of this section or whether grounds for an ex parte extreme risk protection order exist under divisions (B) and (C) of section 2923.27 of the Revised Code, the court may do any of the following: 1814
1815
1816
1817
1818

(1) Consider any relevant evidence including any of the following: 1819
1820

(a) A recent act or threat of violence by the respondent against the respondent or against another, whether or not the violence or threat involves a firearm; 1821
1822
1823

(b) A pattern of acts or threats of violence by the respondent within the past twelve months, including acts or threats of violence by the respondent against the respondent or against others; 1824
1825
1826
1827

(c) Any dangerous mental health issues of the respondent; 1828

(d) A violation by the respondent of any of the following: 1829

(i) A protection order issued or consent agreement approved pursuant to section 2919.26 or 3113.31 of the Revised Code; 1830
1831
1832

(ii) A protection order issued pursuant to section 2151.34, 2903.213, or 2903.214 of the Revised Code; 1833
1834

(iii) A protection order issued by a court of another state. 1835
1836

(e) A previous or existing extreme risk protection order 1837
issued against the respondent; 1838

(f) A violation of a previous or existing extreme risk 1839
protection order issued against the respondent; 1840

(g) A conviction of the respondent for a violation of 1841
section 2919.25 of the Revised Code; 1842

(h) The respondent's ownership, access to, or intent to 1843
possess firearms; 1844

(i) The unlawful or reckless use, display, or brandishing 1845
of a firearm by the respondent; 1846

(j) The history of use, attempted use, or threatened use 1847
of physical force by the respondent against another person, or 1848
the respondent's history of stalking another person; 1849

(k) Any prior arrest of the respondent for a felony 1850
offense or violent crime; 1851

(l) Corroborated evidence of the abuse of controlled 1852
substances or alcohol by the respondent; 1853

(m) Evidence of recent acquisition of firearms by the 1854
respondent. 1855

(2) Examine under oath the petitioner, the respondent, and 1856
any witness called by the petitioner or respondent; 1857

(3) Ensure that a reasonable search has been conducted for 1858
criminal history records related to the respondent. 1859

(O) During a hearing for an extreme risk protection order, 1860
the court shall consider whether a mental health evaluation or 1861
chemical dependency evaluation is appropriate and may order such 1862
an evaluation if appropriate. 1863

(P) An extreme risk protection order issued under this 1864
section shall include all of the following: 1865

(1) A statement of the grounds supporting the order; 1866

(2) The date and time that the order was issued; 1867

(3) The date and time the order expires; 1868

(4) Whether a mental health evaluation or chemical 1869
dependency evaluation of the respondent is required; 1870

(5) The address of the court in which any responsive 1871
pleading should be filed; 1872

(6) A description of the requirements for relinquishment 1873
of firearms under section 2923.30 of the Revised Code; 1874

(7) The following statement: 1875

"To the subject of the protection order: 1876

This order will last until the date and time noted above. 1877
If you have not done so already, you must surrender to the 1878
(insert name of local law enforcement agency) all firearms in 1879
your custody, control, or possession and any license to carry a 1880
concealed handgun issued to you under section 2923.125 or 1881
2923.1213 of the Revised Code. You may not have in your custody 1882
or control, purchase, possess, receive, or attempt to purchase 1883
or receive, a firearm while this order is in effect. You have 1884
the right to request one hearing to terminate this order every 1885
one-hundred-eighty-day period that this order is in effect, 1886
starting from the date of this order and continuing through any 1887
renewals. You may seek the advice of an attorney as to any 1888
matter connected with this order." 1889

(Q) When the court issues an extreme risk protection order 1890

under this section, the court shall inform the respondent that 1891
the respondent is entitled to request termination of the order 1892
in the manner prescribed in section 2923.29 of the Revised Code. 1893

(R) If the court declines to issue an extreme risk 1894
protection order under this section, the court shall state the 1895
particular reasons for denial in the court's order. 1896

(S) Sections 2923.26 to 2923.30 of the Revised Code do not 1897
affect the ability of a law enforcement officer to remove a 1898
firearm or concealed handgun license from any person or conduct 1899
any search and seizure for firearms pursuant to any other lawful 1900
authority. 1901

Sec. 2923.27. (A) A petitioner who files a petition for an 1902
extreme risk protection order under section 2923.26 of the 1903
Revised Code may request that an ex parte extreme risk 1904
protection order be issued before a hearing for an extreme risk 1905
protection order under that section, without notice to the 1906
respondent, by filing an application for an ex parte extreme 1907
risk protection order in a court of common pleas, county court, 1908
or municipal court. An application for an ex parte order shall 1909
include detailed allegations based on personal knowledge that 1910
the respondent poses a significant danger of causing personal 1911
injury to self or others in the near future by having custody or 1912
control of a firearm or the ability to purchase, possess, or 1913
receive a firearm. The application shall be filed in addition to 1914
the petition for the extreme risk protection order. 1915

(B) In considering whether to issue an ex parte extreme 1916
risk protection order under this section, the court that 1917
receives the application shall consider all relevant evidence, 1918
including the evidence described in division (N)(1) of section 1919
2923.26 of the Revised Code. 1920

(C) If a court finds there is reasonable cause to believe 1921
that the respondent poses a significant danger of causing 1922
personal injury to self or others in the near future by having 1923
custody or control of a firearm or the ability to purchase, 1924
possess, or receive a firearm, the court shall issue an ex parte 1925
extreme risk protection order. 1926

(D) The court shall hold an ex parte extreme risk 1927
protection order hearing in person or by telephone on the day 1928
the petition is filed or on the judicial day immediately 1929
following the day the petition is filed. 1930

(E) (1) If a court of common pleas issues an ex parte 1931
extreme risk protection order, the court shall schedule a 1932
hearing to be held within three days of the issuance of the 1933
order to determine if an extreme risk protection order should be 1934
issued and shall hold the hearing on the date, and at the time 1935
and place, scheduled. 1936

(2) If a county court or municipal court issues an ex 1937
parte extreme risk protection order, the court shall transfer 1938
the case to the court of common pleas and that court shall 1939
schedule a hearing to be held within three days of the issuance 1940
of the order to determine if an extreme risk protection order 1941
should be issued, and shall hold the hearing on the date, and at 1942
the time and place, scheduled. 1943

(3) If a court of common pleas, county court, or municipal 1944
court issues an ex parte extreme risk protection order, the 1945
hearing scheduled under division (I) (1) (a) of section 2923.26 of 1946
the Revised Code shall not be conducted. Instead, the 1947
appropriate court shall conduct the hearing scheduled under 1948
division (E) (1) or (2) of this section to determine if an 1949
extreme risk protection order should be issued. The court shall 1950

issue a notice of the date, time, and location of the hearing to 1951
the respondent and shall cause a copy of the notice of the 1952
hearing and petition to be forwarded on or before the next 1953
judicial day to a local law enforcement agency for service on 1954
the respondent. The local law enforcement agency shall 1955
personally serve the notice of the hearing and petition on the 1956
day that it is received and shall serve the ex parte order 1957
concurrently with the notice. 1958

(4) If a petitioner files an application requesting that 1959
an ex parte extreme risk protection order be issued and the 1960
court denies the application, the court in which the petition 1961
was filed under section 2923.26 of the Revised Code shall 1962
conduct the hearing scheduled under division (I)(1)(a) of that 1963
section to determine if an extreme risk protection order should 1964
be issued. The court shall issue the notice under division (I) 1965
(1)(b) of that section and cause the copy of the notice and 1966
petition to be served under division (I)(1)(c) of that section. 1967
The local law enforcement agency that is served with the copy of 1968
the notice and petition shall personally serve the petition and 1969
notice of the hearing on the respondent not less than five 1970
judicial days prior to the hearing. 1971

(F) An ex parte extreme risk protection order issued under 1972
this section shall include all of the following: 1973

(1) A statement of the grounds asserted for the order; 1974
(2) The date and time the order was issued; 1975
(3) The date and time the order expires; 1976
(4) The address of the court in which any responsive 1977
pleading should be filed; 1978

(5) The date, time, and location of the hearing scheduled 1979

under division (E) (1) or (2) of this section; 1980

(6) A description of the requirements for surrender of 1981
firearms under section 2923.30 of the Revised Code; 1982

(7) The following statement: 1983

"To the subject of this protection order: 1984

This order is valid until the date and time noted above. 1985
You are required to surrender all firearms in your custody, 1986
control, or possession. You may not have in your custody or 1987
control, purchase, possess, receive, or attempt to purchase or 1988
receive, a firearm while this order is in effect. You must 1989
immediately surrender to the (insert name of local law 1990
enforcement agency) all firearms in your custody, control, or 1991
possession and any license to carry a concealed handgun issued 1992
to you under section 2923.125 or 2923.1213 of the Revised Code 1993
immediately. A hearing will be held on the date and at the time 1994
and location noted above to determine if an extreme risk 1995
protection order should be issued. Failure to appear at that 1996
hearing may result in a court making an order against you that 1997
is valid for one hundred eighty days. You may seek the advice of 1998
an attorney as to any matter connected with this order." 1999

(G) Any ex parte extreme risk protection order issued 2000
under this section expires upon the hearing on the petition for 2001
the extreme risk protection order. 2002

(H) If the court of common pleas, county court, or 2003
municipal court declines to issue an ex parte extreme risk 2004
protection order, the court shall state the particular reasons 2005
for the denial. 2006

Sec. 2923.28. (A) An extreme risk protection order issued 2007
under section 2923.26 of the Revised Code shall be personally 2008

served upon the respondent, except as otherwise provided in 2009
sections 2923.26 to 2923.30 of the Revised Code. 2010

(B) The law enforcement agency with jurisdiction over the 2011
area in which the respondent resides shall serve the respondent 2012
personally unless the petitioner elects to have the respondent 2013
served by a private party. 2014

(C) If service by the local law enforcement agency is to 2015
be used, the clerk of court shall cause a copy of the order 2016
issued under section 2923.26 of the Revised Code to be forwarded 2017
on or before the next judicial day to the local law enforcement 2018
agency specified in the order for service upon the respondent. 2019

(D) If the law enforcement agency is unable to complete 2020
service on the respondent within ten days, the law enforcement 2021
agency shall notify the petitioner. The petitioner shall provide 2022
any information necessary to allow the law enforcement agency to 2023
complete service on the respondent. 2024

(E) If an order entered by the court specifies that the 2025
respondent appeared in person before the court, further service 2026
is waived and proof of service is not necessary. 2027

(F) If the court previously entered an order allowing 2028
service of the notice and petition or an ex parte extreme risk 2029
protection order by publication or mail under division (H) of 2030
this section, or if the court finds there are now grounds to 2031
allow for that method of service, the court may permit service 2032
by publication or mail of the extreme risk protection order as 2033
provided in that division. 2034

(G) Return of service under sections 2923.26 to 2923.30 of 2035
the Revised Code shall be made in accordance with applicable 2036
rules of court. 2037

(H) The court may order service by publication or service 2038
by mail as provided by the Rules of Civil Procedure except that 2039
any summons shall contain the name of the respondent and 2040
petitioner, the date and time of the hearing, and any ex parte 2041
extreme risk protection order that has been issued against the 2042
respondent, and the following notice: 2043

"If you fail to respond, an extreme risk protection order 2044
may be issued against you pursuant to sections 2923.26 to 2045
2923.30 of the Revised Code for one hundred eighty days from the 2046
date you are required to appear." 2047

(I) If the court orders service by publication or mail for 2048
notice of an extreme risk protection order hearing, it shall 2049
also reissue the ex parte extreme risk protection order, if 2050
issued, to expire on the date of the extreme risk protection 2051
order hearing. 2052

(J) Following completion of service by publication or by 2053
mail for notice of an extreme risk protection order hearing, if 2054
the respondent fails to appear at the hearing, the court may 2055
issue an extreme risk protection order as provided in section 2056
2923.26 of the Revised Code. 2057

(K) The clerk of the court shall enter any extreme risk 2058
protection order or ex parte extreme risk protection order 2059
issued under sections 2923.26 to 2923.30 of the Revised Code 2060
into a statewide judicial information system on the same day 2061
such order is issued. 2062

(L) The clerk of the court shall forward a copy of an 2063
order issued under sections 2923.26 to 2923.30 of the Revised 2064
Code the same day the order is issued to the appropriate law 2065
enforcement agency specified in the order. Upon receipt of the 2066

copy of the order, the law enforcement agency shall enter the 2067
order into the national instant criminal background check 2068
system, any other federal or state computer-based systems used 2069
by law enforcement or others to identify prohibited purchasers 2070
of firearms, and any computer-based criminal intelligence 2071
information system available in this state used by law 2072
enforcement agencies to list outstanding warrants. The order 2073
shall remain in each system for the period stated in the order, 2074
and the law enforcement agency shall only remove orders from the 2075
systems that have expired or terminated. Entry into the 2076
computer-based criminal intelligence information system 2077
constitutes notice to all law enforcement agencies of the 2078
existence of the order. The order is fully enforceable in any 2079
county in the state. 2080

(M) (1) The issuing court shall, within three judicial days 2081
after issuance of an extreme risk protection order or ex parte 2082
extreme risk protection order, forward a copy of the 2083
respondent's driver's license or state identification card, or 2084
comparable information, along with the date of the order's 2085
issuance, to the sheriff that has issued a concealed handgun 2086
license to the respondent. Upon receipt of the information, the 2087
sheriff shall immediately revoke the respondent's license in 2088
accordance with division (B) of section 2923.128 of the Revised 2089
Code. 2090

(2) The court, if necessary, may apply for access to the 2091
law enforcement automated data system to identify a sheriff that 2092
has issued a concealed handgun license to a respondent. For 2093
purposes of this inquiry, the court is a criminal justice 2094
agency. 2095

(N) If an extreme risk protection order is terminated 2096

before its expiration date, the clerk of the court shall forward 2097
the same day a copy of the termination order to the appropriate 2098
law enforcement agency specified in the termination order. Upon 2099
receipt of the order, the law enforcement agency shall promptly 2100
remove the order from any computer-based system in which it was 2101
entered pursuant to division (L) of this section. 2102

Sec. 2923.29. (A) The respondent may submit one written 2103
request for a hearing to terminate an extreme risk protection 2104
order issued under sections 2923.26 to 2923.30 of the Revised 2105
Code every one-hundred-eighty-day period that the order is in 2106
effect, starting from the date of the order and continuing 2107
through any renewals. 2108

(1) Upon receipt of the request for a hearing to terminate 2109
an extreme risk protection order, the court shall set a date for 2110
a hearing. Notice of the request shall be served on the 2111
petitioner in accordance with the Rules of Civil Procedure. The 2112
hearing shall occur not sooner than fourteen days and not later 2113
than thirty days after the date the petitioner is served with 2114
the request. 2115

(2) The respondent shall have the burden of proving by a 2116
preponderance of the evidence that the respondent does not pose 2117
a significant danger of causing personal injury to self or 2118
others by having custody or control of a firearm or the ability 2119
to purchase, possess, or receive a firearm. The court may 2120
consider any relevant evidence, including evidence of the 2121
considerations listed in division (N)(1) of section 2923.26 of 2122
the Revised Code. 2123

(3) If the court finds after the hearing that the 2124
respondent has met the respondent's burden, the court shall 2125
terminate the order. 2126

(B) The court shall notify the petitioner of the impending expiration of an extreme risk protection order. Notice shall be received by the petitioner sixty calendar days before the date the order expires. 2127
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(C) A family or household member of a respondent or a law enforcement officer or agency may by motion request a renewal of an extreme risk protection not sooner than sixty calendar days before the expiration of the order. 2131
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(D) Upon receipt of a motion to renew, the court shall order that a hearing be held not later than fourteen days from the date of the request for renewal. The court may schedule a hearing by telephone in the manner prescribed by division (J)(1) of section 2923.26 of the Revised Code. The respondent shall be personally served in the same manner prescribed by divisions (I)(3) and (L) of section 2923.26 of the Revised Code. 2135
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(E) In determining whether to renew an extreme risk protection order under this section, the court shall consider all relevant evidence presented by the petitioner and follow the same procedure as provided in section 2923.26 of the Revised Code. 2142
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If the court finds by a preponderance of the evidence that the requirements for issuance of an extreme risk protection order as provided in section 2923.26 of the Revised Code continue to be met, the court shall renew the order. However, if, after notice, the motion for renewal is uncontested and the petitioner seeks no modification of the order, the order may be renewed on the basis of the petitioner's motion or affidavit stating that there has been no material change in relevant circumstances since entry of the order and stating the reason for the requested renewal. 2147
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(F) The renewal of an extreme risk protection order has a 2157
duration of one hundred eighty days, subject to termination as 2158
provided in division (A) of this section or further renewal by 2159
order of the court. 2160

Sec. 2923.30. (A) Upon issuance of any extreme risk 2161
protection order or ex parte extreme risk protection order under 2162
sections 2923.26 to 2923.30 of the Revised Code, the court shall 2163
order the respondent to surrender to the local law enforcement 2164
agency all firearms in the respondent's custody, control, or 2165
possession and any license to carry a concealed handgun issued 2166
to the respondent under section 2923.125 or 2923.1213 of the 2167
Revised Code. 2168

(B) The law enforcement officer serving any extreme risk 2169
protection order or ex parte extreme risk protection order 2170
issued under sections 2923.26 to 2923.30 of the Revised Code 2171
shall request that the respondent immediately surrender all 2172
firearms in the respondent's custody, control, or possession and 2173
any license to carry a concealed handgun issued to the 2174
respondent under section 2923.125 or 2923.1213 of the Revised 2175
Code, and conduct any search permitted by law for such firearms. 2176

(C) The law enforcement officer shall take possession of 2177
all firearms belonging to the respondent that are surrendered, 2178
in plain sight, or discovered pursuant to a lawful search. 2179
Alternatively, if personal service by a law enforcement officer 2180
is not possible, or not required because the respondent was 2181
present at the extreme risk protection order hearing, the 2182
respondent shall surrender the firearms in a safe manner to the 2183
control of the local law enforcement agency within forty-eight 2184
hours of being served with the order by alternate service or 2185
within forty-eight hours of the hearing at which the respondent 2186

was present.

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(D) At the time of surrender, a law enforcement officer
taking possession of a firearm or concealed handgun license
shall issue a receipt identifying all firearms that have been
surrendered and provide a copy of the receipt to the respondent.
Within seventy-two hours after service of the order, the officer
serving the order shall file the original receipt with the court
and shall ensure that the officer's law enforcement agency
retains a copy of the receipt.

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(E) Upon the sworn statement or testimony of the
petitioner or of any law enforcement officer alleging that the
respondent has failed to comply with the surrender of firearms
as required by an order issued under sections 2923.26 to 2923.30
of the Revised Code, the court shall determine whether probable
cause exists to believe that the respondent has failed to
surrender all firearms in the respondent's possession, custody,
or control. If probable cause exists, the court shall issue a
warrant describing the firearms and authorizing a search of the
locations where the firearms are reasonably believed to be and
the seizure of any firearms discovered pursuant to such search.

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(F) If a person other than the respondent claims title to
any firearm surrendered pursuant to this section, and the other
person is determined by the law enforcement agency to be the
lawful owner of the firearm, the firearm shall be returned to
the other person, provided that both of the following apply:

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(1) The firearm is removed from the respondent's custody,
control, or possession and the lawful owner agrees to store the
firearm in a manner such that the respondent does not have
access to or control of the firearm.

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(2) The lawful owner is not prohibited from possessing the 2216
firearm under state or federal law. 2217

(G) Upon the issuance of an extreme risk protection order, 2218
the court shall order a new hearing date and require the 2219
respondent to appear not later than three judicial days from the 2220
issuance of the order. The court shall require a showing that 2221
the respondent has surrendered any firearms in the respondent's 2222
custody, control, or possession. The court may dismiss the 2223
hearing upon a satisfactory showing that the respondent is in 2224
compliance with the order. 2225

(H) All law enforcement agencies shall develop policies 2226
and procedures not later than six months after the effective 2227
date of this section regarding the acceptance, storage, and 2228
return of firearms required to be surrendered under sections 2229
2923.26 to 2923.30 of the Revised Code. 2230

(I) If an extreme risk protection order is terminated or 2231
expires without renewal or an ex parte extreme risk protection 2232
order expires and an extreme risk protection order is not issued 2233
regarding the respondent, a law enforcement agency holding any 2234
firearm that has been surrendered pursuant to sections 2923.26 2235
to 2923.30 of the Revised Code shall return any surrendered 2236
firearm requested by a respondent only after confirming, through 2237
a background check, that the respondent is currently eligible to 2238
own or possess firearms under federal and state law and after 2239
confirming with the court that the extreme risk protection order 2240
has terminated or has expired without renewal. 2241

(J) A law enforcement agency shall, if requested by a 2242
family or household member of a respondent, provide prior notice 2243
of the return of a firearm to a respondent to that family or 2244
household member. 2245

(K) Any firearm surrendered by a respondent pursuant to 2246
this section that remains unclaimed by the lawful owner shall be 2247
disposed of in accordance with the law enforcement agency's 2248
policies and procedures for the disposal of firearms in police 2249
custody. 2250

Sec. 2923.99. (A) Except as provided in this section, 2251
sections 2923.26 to 2923.30 of the Revised Code do not impose 2252
criminal or civil liability on any person or entity for acts or 2253
omissions related to obtaining an extreme risk protection order 2254
or ex parte extreme risk protection order including for 2255
reporting, declining to report, investigating, declining to 2256
investigate, filing, or declining to file a petition under those 2257
sections. 2258

(B) (1) No person shall do either of the following: 2259

(a) File a petition for an extreme risk protection order 2260
under section 2923.26 of the Revised Code alleging that the 2261
respondent poses a significant danger of causing personal injury 2262
to self or others by having in the respondent's custody or 2263
control, purchasing, possessing, or receiving a firearm if the 2264
person knows the allegation is false; 2265

(b) File an application for an ex parte extreme risk 2266
protection order under section 2923.27 of the Revised Code 2267
alleging that the respondent poses a significant danger of 2268
causing personal injury to self or others in the near future by 2269
having custody or control of a firearm or the ability to 2270
purchase, possess, or receive a firearm if the person knows the 2271
allegation is false. 2272

(2) An individual injured in person or property by a 2273
violation of division (B) (1) (a) or (b) of this section has, and 2274

may recover full damages in, a civil action under section 2275
2307.60 of the Revised Code. A civil action described in this 2276
division is in addition to, and does not preclude, any possible 2277
criminal prosecution of the person who violates division (B) (1) 2278
(a) or (b) of this section. 2279

(3) Whoever violates division (B) (1) (a) or (b) of this 2280
section is guilty of a felony of the fifth degree. 2281

(C) (1) No person shall acquire, have, carry, or use any 2282
firearm with knowledge that the person is prohibited from doing 2283
so by an order issued under this section or sections 2923.26 to 2284
2923.30 of the Revised Code. 2285

(2) A person who violates division (C) (1) of this section 2286
is guilty of having a firearm while under extreme risk 2287
protection order disability. Except as provided in division (C) 2288
(3) of this section, having a firearm while under extreme risk 2289
protection order disability is a misdemeanor of the third 2290
degree. 2291

(3) If a person found guilty of having a firearm while 2292
under extreme risk protection order disability has two or more 2293
previous convictions for such an offense, having a firearm while 2294
under extreme risk protection order disability is a felony of 2295
the fifth degree. 2296

(D) In addition to the penalties prescribed in division 2297
(C) of this section, no person found guilty of having a firearm 2298
while under extreme risk protection order disability shall 2299
knowingly acquire, have, carry, or use any firearm or dangerous 2300
ordnance for a period of five years after the date the 2301
underlying extreme risk protection order expires. 2302

Section 2. That existing sections 109.57, 2923.125, 2303

2923.128, 2923.1213, and 2923.13 of the Revised Code are hereby 2304
repealed. 2305

Section 3. Sections 2923.26 to 2923.30 and 2923.99 of the 2306
Revised Code, as enacted by this act, shall be known as the 2307
"Extreme Risk Protection Order Act." 2308

Section 4. The General Assembly, applying the principle 2309
stated in division (B) of section 1.52 of the Revised Code that 2310
amendments are to be harmonized if reasonably capable of 2311
simultaneous operation, finds that the following sections, 2312
presented in this act as composites of the sections as amended 2313
by the acts indicated, are the resulting versions of the 2314
sections in effect prior to the effective date of the sections 2315
as presented in this act: 2316

Section 109.57 of the Revised Code as amended by both H.B. 2317
405 and S.B. 288 of the 134th General Assembly. 2318

Section 2923.125 of the Revised Code as amended by both 2319
H.B. 281 and S.B. 288 of the 134th General Assembly. 2320

Section 2923.128 of the Revised Code as amended by H.B. 2321
281, S.B. 215, and S.B. 288, all of the 134th General Assembly. 2322

Section 2923.1213 of the Revised Code as amended by both 2323
H.B. 281 and S.B. 288 of the 134th General Assembly. 2324