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Representative Maag

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

A BILL

To amend sections 311.42, 2923.12, 2923.122, and 2923.126 of the Revised Code to modify the prohibition against carrying a concealed handgun onto institutions of higher education, day-care facilities, aircraft, certain government facilities, public areas of airport terminals and police stations, and school safety zones and to allow a sheriff to use concealed handgun license fee revenue to purchase ammunition and firearms. 1

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

Section 1. That sections 311.42, 2923.12, 2923.122, and 2923.126 of the Revised Code be amended to read as follows: 11

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Sec. 311.42. (A) Each county shall establish in the county treasury a sheriff's concealed handgun license issuance expense fund. The sheriff of that county shall deposit into that fund 13

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

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

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

(2) Ammunition and firearms to be used by the sheriff and
the sheriff's employees.

Sec. 2923.12. (A) No person shall knowingly carry or have,
concealed on the person's person or concealed ready at hand, any

of the following: 46

- (1) A deadly weapon other than a handgun; 47
- (2) A handgun other than a dangerous ordnance; 48
- (3) A dangerous ordnance. 49

(B) No person who has been issued a concealed handgun license shall do any of the following: 50

- (1) If the person is stopped for a law enforcement purpose and is carrying a concealed handgun, fail to promptly inform any law enforcement officer who approaches the person after the person has been stopped that the person has been issued a concealed handgun license and that the person then is carrying a concealed handgun; 51
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- (2) If the person is stopped for a law enforcement purpose and is carrying a concealed handgun, knowingly fail to keep the person's hands in plain sight at any time after any law enforcement officer begins approaching the person while stopped and before the law enforcement officer leaves, unless the failure is pursuant to and in accordance with directions given by a law enforcement officer; 58
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- (3) If the person is stopped for a law enforcement purpose, if the person is carrying a concealed handgun, and if the person is approached by any law enforcement officer while stopped, knowingly remove or attempt to remove the loaded handgun from the holster, pocket, or other place in which the person is carrying it, knowingly grasp or hold the loaded handgun, or knowingly have contact with the loaded handgun by touching it with the person's hands or fingers at any time after the law enforcement officer begins approaching and before the law enforcement officer leaves, unless the person removes, 65
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attempts to remove, grasps, holds, or has contact with the 75
loaded handgun pursuant to and in accordance with directions 76
given by the law enforcement officer; 77

(4) If the person is stopped for a law enforcement purpose 78
and is carrying a concealed handgun, knowingly disregard or fail 79
to comply with any lawful order of any law enforcement officer 80
given while the person is stopped, including, but not limited 81
to, a specific order to the person to keep the person's hands in 82
plain sight. 83

(C) (1) This section does not apply to any of the 84
following: 85

(a) An officer, agent, or employee of this or any other 86
state or the United States, or to a law enforcement officer, who 87
is authorized to carry concealed weapons or dangerous ordnance 88
or is authorized to carry handguns and is acting within the 89
scope of the officer's, agent's, or employee's duties; 90

(b) Any person who is employed in this state, who is 91
authorized to carry concealed weapons or dangerous ordnance or 92
is authorized to carry handguns, and who is subject to and in 93
compliance with the requirements of section 109.801 of the 94
Revised Code, unless the appointing authority of the person has 95
expressly specified that the exemption provided in division (C) 96
(1) (b) of this section does not apply to the person; 97

(c) A person's transportation or storage of a firearm, 98
other than a firearm described in divisions (G) to (M) of 99
section 2923.11 of the Revised Code, in a motor vehicle for any 100
lawful purpose if the firearm is not on the actor's person; 101

(d) A person's storage or possession of a firearm, other 102
than a firearm described in divisions (G) to (M) of section 103

2923.11 of the Revised Code, in the actor's own home for any 104
lawful purpose. 105

(2) Division (A)(2) of this section does not apply to any 106
person who, at the time of the alleged carrying or possession of 107
a handgun, is carrying a valid concealed handgun license, unless 108
the person knowingly is in a place described in division (B) of 109
section 2923.126 of the Revised Code. 110

(D) It is an affirmative defense to a charge under 111
division (A)(1) of this section of carrying or having control of 112
a weapon other than a handgun and other than a dangerous 113
ordnance that the actor was not otherwise prohibited by law from 114
having the weapon and that any of the following applies: 115

(1) The weapon was carried or kept ready at hand by the 116
actor for defensive purposes while the actor was engaged in or 117
was going to or from the actor's lawful business or occupation, 118
which business or occupation was of a character or was 119
necessarily carried on in a manner or at a time or place as to 120
render the actor particularly susceptible to criminal attack, 121
such as would justify a prudent person in going armed. 122

(2) The weapon was carried or kept ready at hand by the 123
actor for defensive purposes while the actor was engaged in a 124
lawful activity and had reasonable cause to fear a criminal 125
attack upon the actor, a member of the actor's family, or the 126
actor's home, such as would justify a prudent person in going 127
armed. 128

(3) The weapon was carried or kept ready at hand by the 129
actor for any lawful purpose and while in the actor's own home. 130

(E) No person who is charged with a violation of this 131
section shall be required to obtain a concealed handgun license 132

as a condition for the dismissal of the charge. 133

(F) (1) Whoever violates this section is guilty of carrying 134
concealed weapons. Except as otherwise provided in this division 135
or division (F) (2) or (3) of this section, carrying concealed 136
weapons in violation of division (A) of this section is a 137
misdemeanor of the first degree. Except as otherwise provided in 138
this division or division (F) (2) or (3) of this section, if the 139
offender previously has been convicted of a violation of this 140
section or of any offense of violence, if the weapon involved is 141
a firearm that is either loaded or for which the offender has 142
ammunition ready at hand, or if the weapon involved is dangerous 143
ordnance, carrying concealed weapons in violation of division 144
(A) of this section is a felony of the fourth degree. Except as 145
otherwise provided in division (F) (2) of this section, if the 146
offense is committed aboard an aircraft, or with purpose to 147
carry a concealed weapon aboard an aircraft, regardless of the 148
weapon involved, carrying concealed weapons in violation of 149
division (A) of this section is a felony of the third degree. 150

(2) If a person being arrested for a violation of division 151
(A) (2) of this section promptly produces a valid concealed 152
handgun license, and if at the time of the violation the person 153
was not knowingly in a place described in division (B) of 154
section 2923.126 of the Revised Code, the officer shall not 155
arrest the person for a violation of that division. If the 156
person is not able to promptly produce any concealed handgun 157
license and if the person is not in a place described in that 158
section, the officer may arrest the person for a violation of 159
that division, and the offender shall be punished as follows: 160

(a) The offender shall be guilty of a minor misdemeanor if 161
both of the following apply: 162

(i) Within ten days after the arrest, the offender 163
presents a concealed handgun license, which license was valid at 164
the time of the arrest to the law enforcement agency that 165
employs the arresting officer. 166

(ii) At the time of the arrest, the offender was not 167
knowingly in a place described in division (B) of section 168
2923.126 of the Revised Code. 169

(b) The offender shall be guilty of a misdemeanor and 170
shall be fined five hundred dollars if all of the following 171
apply: 172

(i) The offender previously had been issued a concealed 173
handgun license, and that license expired within the two years 174
immediately preceding the arrest. 175

(ii) Within forty-five days after the arrest, the offender 176
presents a concealed handgun license to the law enforcement 177
agency that employed the arresting officer, and the offender 178
waives in writing the offender's right to a speedy trial on the 179
charge of the violation that is provided in section 2945.71 of 180
the Revised Code. 181

(iii) At the time of the commission of the offense, the 182
offender was not knowingly in a place described in division (B) 183
of section 2923.126 of the Revised Code. 184

(c) If neither division (F) (2) (a) nor (b) of this section 185
applies, the offender shall be punished under division (F) (1) or 186
(3) of this section. 187

(3) If a person being arrested for a violation of division 188
(A) (2) of this section is knowingly in a place described in 189
division (B) (5) of section 2923.126 of the Revised Code, is not 190
authorized to carry a handgun or have a handgun concealed on the 191

person's person or concealed ready at hand under that division, 192
and produces a valid concealed handgun license within ten days 193
after the arrest, the person is guilty of a minor misdemeanor. 194

(4) Except as otherwise provided in this division, 195
carrying concealed weapons in violation of division (B)(1) of 196
this section is a misdemeanor of the first degree, and, in 197
addition to any other penalty or sanction imposed for a 198
violation of division (B)(1) of this section, the offender's 199
concealed handgun license shall be suspended pursuant to 200
division (A)(2) of section 2923.128 of the Revised Code. If, at 201
the time of the stop of the offender for a law enforcement 202
purpose that was the basis of the violation, any law enforcement 203
officer involved with the stop had actual knowledge that the 204
offender has been issued a concealed handgun license, carrying 205
concealed weapons in violation of division (B)(1) of this 206
section is a minor misdemeanor, and the offender's concealed 207
handgun license shall not be suspended pursuant to division (A) 208
(2) of section 2923.128 of the Revised Code. 209

~~(4)~~(5) Carrying concealed weapons in violation of 210
division (B)(2) or (4) of this section is a misdemeanor of the 211
first degree or, if the offender previously has been convicted 212
of or pleaded guilty to a violation of division (B)(2) or (4) of 213
this section, a felony of the fifth degree. In addition to any 214
other penalty or sanction imposed for a misdemeanor violation of 215
division (B)(2) or (4) of this section, the offender's concealed 216
handgun license shall be suspended pursuant to division (A)(2) 217
of section 2923.128 of the Revised Code. 218

~~(5)~~(6) Carrying concealed weapons in violation of 219
division (B)(3) of this section is a felony of the fifth degree. 220

(G) If a law enforcement officer stops a person to 221

question the person regarding a possible violation of this 222
section, for a traffic stop, or for any other law enforcement 223
purpose, if the person surrenders a firearm to the officer, 224
either voluntarily or pursuant to a request or demand of the 225
officer, and if the officer does not charge the person with a 226
violation of this section or arrest the person for any offense, 227
the person is not otherwise prohibited by law from possessing 228
the firearm, and the firearm is not contraband, the officer 229
shall return the firearm to the person at the termination of the 230
stop. If a court orders a law enforcement officer to return a 231
firearm to a person pursuant to the requirement set forth in 232
this division, division (B) of section 2923.163 of the Revised 233
Code applies. 234

Sec. 2923.122. (A) No person shall knowingly convey, or 235
attempt to convey, a deadly weapon or dangerous ordnance into a 236
school safety zone. 237

(B) No person shall knowingly possess a deadly weapon or 238
dangerous ordnance in a school safety zone. 239

(C) No person shall knowingly possess an object in a 240
school safety zone if both of the following apply: 241

(1) The object is indistinguishable from a firearm, 242
whether or not the object is capable of being fired. 243

(2) The person indicates that the person possesses the 244
object and that it is a firearm, or the person knowingly 245
displays or brandishes the object and indicates that it is a 246
firearm. 247

(D) (1) This section does not apply to any of the 248
following: 249

(a) An officer, agent, or employee of this or any other 250

state or the United States, or a law enforcement officer, who is 251
authorized to carry deadly weapons or dangerous ordnance and is 252
acting within the scope of the officer's, agent's, or employee's 253
duties, a security officer employed by a board of education or 254
governing body of a school during the time that the security 255
officer is on duty pursuant to that contract of employment, or 256
any other person who has written authorization from the board of 257
education or governing body of a school to convey deadly weapons 258
or dangerous ordnance into a school safety zone or to possess a 259
deadly weapon or dangerous ordnance in a school safety zone and 260
who conveys or possesses the deadly weapon or dangerous ordnance 261
in accordance with that authorization; 262

(b) Any person who is employed in this state, who is 263
authorized to carry deadly weapons or dangerous ordnance, and 264
who is subject to and in compliance with the requirements of 265
section 109.801 of the Revised Code, unless the appointing 266
authority of the person has expressly specified that the 267
exemption provided in division (D) (1) (b) of this section does 268
not apply to the person. 269

(2) Division (C) of this section does not apply to 270
premises upon which home schooling is conducted. Division (C) of 271
this section also does not apply to a school administrator, 272
teacher, or employee who possesses an object that is 273
indistinguishable from a firearm for legitimate school purposes 274
during the course of employment, a student who uses an object 275
that is indistinguishable from a firearm under the direction of 276
a school administrator, teacher, or employee, or any other 277
person who with the express prior approval of a school 278
administrator possesses an object that is indistinguishable from 279
a firearm for a legitimate purpose, including the use of the 280
object in a ceremonial activity, a play, reenactment, or other 281

dramatic presentation, or a ROTC activity or another similar use of the object. 282
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(3) This section does not apply to a person who conveys or attempts to convey a handgun into, or possesses a handgun in, a school safety zone if, at the time of that conveyance, attempted conveyance, or possession of the handgun, all of the following apply: 284
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(a) The person does not enter into a school building or onto school premises and is not at a school activity. 289
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(b) The person is carrying a valid concealed handgun license. 291
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(c) The person is in the school safety zone in accordance with 18 U.S.C. 922(q) (2) (B). 293
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(d) The person is not knowingly in a place described in division (B) (1) or (B) (3) to ~~(10)~~ (8) of section 2923.126 of the Revised Code. 295
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(4) This section does not apply to a person who conveys or attempts to convey a handgun into, or possesses a handgun in, a school safety zone if at the time of that conveyance, attempted conveyance, or possession of the handgun all of the following apply: 298
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(a) The person is carrying a valid concealed handgun license. 303
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(b) The person ~~is the driver or passenger~~ leaves the handgun in a motor vehicle and is in the school safety zone while immediately in the process of picking up or dropping off a child. 305
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(c) ~~The person is not in violation of section 2923.16 of~~ 309

~~the Revised Code handgun does not leave the motor vehicle.~~ 310

(d) If the person exits the motor vehicle, the person 311
locks the motor vehicle. 312

(E) (1) Whoever violates division (A) or (B) of this 313
section is guilty of illegal conveyance or possession of a 314
deadly weapon or dangerous ordnance in a school safety zone. 315
Except as otherwise provided in this division, illegal 316
conveyance or possession of a deadly weapon or dangerous 317
ordnance in a school safety zone is a felony of the fifth 318
degree. If the offender previously has been convicted of a 319
violation of this section, illegal conveyance or possession of a 320
deadly weapon or dangerous ordnance in a school safety zone is a 321
felony of the fourth degree. 322

(2) Whoever violates division (C) of this section is 323
guilty of illegal possession of an object indistinguishable from 324
a firearm in a school safety zone. Except as otherwise provided 325
in this division, illegal possession of an object 326
indistinguishable from a firearm in a school safety zone is a 327
misdemeanor of the first degree. If the offender previously has 328
been convicted of a violation of this section, illegal 329
possession of an object indistinguishable from a firearm in a 330
school safety zone is a felony of the fifth degree. 331

(F) (1) In addition to any other penalty imposed upon a 332
person who is convicted of or pleads guilty to a violation of 333
this section and subject to division (F) (2) of this section, if 334
the offender has not attained nineteen years of age, regardless 335
of whether the offender is attending or is enrolled in a school 336
operated by a board of education or for which the state board of 337
education prescribes minimum standards under section 3301.07 of 338
the Revised Code, the court shall impose upon the offender a 339

class four suspension of the offender's probationary driver's 340
license, restricted license, driver's license, commercial 341
driver's license, temporary instruction permit, or probationary 342
commercial driver's license that then is in effect from the 343
range specified in division (A) (4) of section 4510.02 of the 344
Revised Code and shall deny the offender the issuance of any 345
permit or license of that type during the period of the 346
suspension. 347

If the offender is not a resident of this state, the court 348
shall impose a class four suspension of the nonresident 349
operating privilege of the offender from the range specified in 350
division (A) (4) of section 4510.02 of the Revised Code. 351

(2) If the offender shows good cause why the court should 352
not suspend one of the types of licenses, permits, or privileges 353
specified in division (F) (1) of this section or deny the 354
issuance of one of the temporary instruction permits specified 355
in that division, the court in its discretion may choose not to 356
impose the suspension, revocation, or denial required in that 357
division, but the court, in its discretion, instead may require 358
the offender to perform community service for a number of hours 359
determined by the court. 360

(G) As used in this section, "object that is 361
indistinguishable from a firearm" means an object made, 362
constructed, or altered so that, to a reasonable person without 363
specialized training in firearms, the object appears to be a 364
firearm. 365

Sec. 2923.126. (A) A concealed handgun license that is 366
issued under section 2923.125 of the Revised Code shall expire 367
five years after the date of issuance. A licensee who has been 368
issued a license under that section shall be granted a grace 369

period of thirty days after the licensee's license expires 370
during which the licensee's license remains valid. Except as 371
provided in divisions (B) and (C) of this section, a licensee 372
who has been issued a concealed handgun license under section 373
2923.125 or 2923.1213 of the Revised Code may carry a concealed 374
handgun anywhere in this state if the licensee also carries a 375
valid license and valid identification when the licensee is in 376
actual possession of a concealed handgun. The licensee shall 377
give notice of any change in the licensee's residence address to 378
the sheriff who issued the license within forty-five days after 379
that change. 380

If a licensee is the driver or an occupant of a motor 381
vehicle that is stopped as the result of a traffic stop or a 382
stop for another law enforcement purpose and if the licensee is 383
transporting or has a loaded handgun in the motor vehicle at 384
that time, the licensee shall promptly inform any law 385
enforcement officer who approaches the vehicle while stopped 386
that the licensee has been issued a concealed handgun license 387
and that the licensee currently possesses or has a loaded 388
handgun; the licensee shall not knowingly disregard or fail to 389
comply with lawful orders of a law enforcement officer given 390
while the motor vehicle is stopped, knowingly fail to remain in 391
the motor vehicle while stopped, or knowingly fail to keep the 392
licensee's hands in plain sight after any law enforcement 393
officer begins approaching the licensee while stopped and before 394
the officer leaves, unless directed otherwise by a law 395
enforcement officer; and the licensee shall not knowingly have 396
contact with the loaded handgun by touching it with the 397
licensee's hands or fingers, in any manner in violation of 398
division (E) of section 2923.16 of the Revised Code, after any 399
law enforcement officer begins approaching the licensee while 400

stopped and before the officer leaves. Additionally, if a 401
licensee is the driver or an occupant of a commercial motor 402
vehicle that is stopped by an employee of the motor carrier 403
enforcement unit for the purposes defined in section 5503.04 of 404
the Revised Code and if the licensee is transporting or has a 405
loaded handgun in the commercial motor vehicle at that time, the 406
licensee shall promptly inform the employee of the unit who 407
approaches the vehicle while stopped that the licensee has been 408
issued a concealed handgun license and that the licensee 409
currently possesses or has a loaded handgun. 410

If a licensee is stopped for a law enforcement purpose and 411
if the licensee is carrying a concealed handgun at the time the 412
officer approaches, the licensee shall promptly inform any law 413
enforcement officer who approaches the licensee while stopped 414
that the licensee has been issued a concealed handgun license 415
and that the licensee currently is carrying a concealed handgun; 416
the licensee shall not knowingly disregard or fail to comply 417
with lawful orders of a law enforcement officer given while the 418
licensee is stopped or knowingly fail to keep the licensee's 419
hands in plain sight after any law enforcement officer begins 420
approaching the licensee while stopped and before the officer 421
leaves, unless directed otherwise by a law enforcement officer; 422
and the licensee shall not knowingly remove, attempt to remove, 423
grasp, or hold the loaded handgun or knowingly have contact with 424
the loaded handgun by touching it with the licensee's hands or 425
fingers, in any manner in violation of division (B) of section 426
2923.12 of the Revised Code, after any law enforcement officer 427
begins approaching the licensee while stopped and before the 428
officer leaves. 429

(B) A valid concealed handgun license does not authorize 430
the licensee to carry a concealed handgun in any manner 431

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

(1) ~~Any area of a police station, sheriff's office, or state highway patrol station~~ to which the public does not have access; premises controlled by the bureau of criminal identification and investigation; a state correctional institution, jail, workhouse, or other detention facility; any area of an airport passenger terminal that is beyond a passenger or property screening checkpoint or to which access is restricted through security measures by the airport authority or a public agency; or an institution that is maintained, operated, managed, and governed pursuant to division (A) of section 5119.14 of the Revised Code or division (A) (1) of section 5123.03 of the Revised Code;

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

(3) A courthouse or another building or structure in which a courtroom is located, in violation of section 2923.123 of the Revised Code;

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

(5) Any premises owned or leased by any public or private college, university, or other institution of higher education, unless the handgun is in a locked motor vehicle or the licensee

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

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

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

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

~~(9) Any building that is a government facility of this state or a political subdivision of this state and that is not a building that is used primarily as a shelter, restroom, parking facility for motor vehicles, or rest facility and is not a courthouse or other building or structure in which a courtroom is located that is subject to division (B) (3) of this section.~~

unless the legislative authority having authority over the 491
building has enacted a statute or ordinance that permits a 492
licensee to carry a concealed handgun into the building, 493

~~(10)~~(8) A place in which federal law prohibits the 494
carrying of handguns. 495

(C) (1) Nothing in this section shall negate or restrict a 496
rule, policy, or practice of a private employer that is not a 497
private college, university, or other institution of higher 498
education concerning or prohibiting the presence of firearms on 499
the private employer's premises or property, including motor 500
vehicles owned by the private employer. Nothing in this section 501
shall require a private employer of that nature to adopt a rule, 502
policy, or practice concerning or prohibiting the presence of 503
firearms on the private employer's premises or property, 504
including motor vehicles owned by the private employer. 505

(2) (a) A private employer shall be immune from liability 506
in a civil action for any injury, death, or loss to person or 507
property that allegedly was caused by or related to a licensee 508
bringing a handgun onto the premises or property of the private 509
employer, including motor vehicles owned by the private 510
employer, unless the private employer acted with malicious 511
purpose. A private employer is immune from liability in a civil 512
action for any injury, death, or loss to person or property that 513
allegedly was caused by or related to the private employer's 514
decision to permit a licensee to bring, or prohibit a licensee 515
from bringing, a handgun onto the premises or property of the 516
private employer. ~~As used in this division, "private employer"~~ 517
~~includes a private college, university, or other institution of~~ 518
~~higher education.~~ 519

(b) A political subdivision shall be immune from liability 520

in a civil action, to the extent and in the manner provided in 521
Chapter 2744. of the Revised Code, for any injury, death, or 522
loss to person or property that allegedly was caused by or 523
related to a licensee bringing a handgun onto any premises or 524
property owned, leased, or otherwise under the control of the 525
political subdivision. As used in this division, "political 526
subdivision" has the same meaning as in section 2744.01 of the 527
Revised Code. 528

(c) An institution of higher education shall be immune 529
from liability in a civil action for any injury, death, or loss 530
to person or property that allegedly was caused by or related to 531
a licensee bringing a handgun onto the premises of the 532
institution, including motor vehicles owned by the institution, 533
unless the institution acted with malicious purpose. An 534
institution of higher education is immune from liability in a 535
civil action for any injury, death, or loss to person or 536
property that allegedly was caused by or related to the 537
institution's decision to permit a licensee or class of 538
licensees to bring a handgun onto the premises of the 539
institution. 540

(3) (a) Except as provided in division (C) (3) (b) of this 541
section, the owner or person in control of private land or 542
premises, and a private person or entity leasing land or 543
premises owned by the state, the United States, or a political 544
subdivision of the state or the United States, may post a sign 545
in a conspicuous location on that land or on those premises 546
prohibiting persons from carrying firearms or concealed firearms 547
on or onto that land or those premises. Except as otherwise 548
provided in this division, a person who knowingly violates a 549
posted prohibition of that nature is guilty of criminal trespass 550
in violation of division (A) (4) of section 2911.21 of the 551

Revised Code and is guilty of a misdemeanor of the fourth 552
degree. If a person knowingly violates a posted prohibition of 553
that nature and the posted land or premises primarily was a 554
parking lot or other parking facility, the person is not guilty 555
of criminal trespass in violation of division (A)(4) of section 556
2911.21 of the Revised Code and instead is subject only to a 557
civil cause of action for trespass based on the violation. 558

(b) A landlord may not prohibit or restrict a tenant who 559
is a licensee and who on or after September 9, 2008, enters into 560
a rental agreement with the landlord for the use of residential 561
premises, and the tenant's guest while the tenant is present, 562
from lawfully carrying or possessing a handgun on those 563
residential premises. 564

(c) As used in division (C)(3) of this section: 565

(i) "Residential premises" has the same meaning as in 566
section 5321.01 of the Revised Code, except "residential 567
premises" does not include a dwelling unit that is owned or 568
operated by a college or university. 569

(ii) "Landlord," "tenant," and "rental agreement" have the 570
same meanings as in section 5321.01 of the Revised Code. 571

(D) A person who holds a concealed handgun license issued 572
by another state that is recognized by the attorney general 573
pursuant to a reciprocity agreement entered into pursuant to 574
section 109.69 of the Revised Code has the same right to carry a 575
concealed handgun in this state as a person who was issued a 576
concealed handgun license under section 2923.125 of the Revised 577
Code and is subject to the same restrictions that apply to a 578
person who carries a license issued under that section. 579

(E) A peace officer has the same right to carry a 580

concealed handgun in this state as a person who was issued a 581
concealed handgun license under section 2923.125 of the Revised 582
Code. For purposes of reciprocity with other states, a peace 583
officer shall be considered to be a licensee in this state. 584

(F) (1) A qualified retired peace officer who possesses a 585
retired peace officer identification card issued pursuant to 586
division (F) (2) of this section and a valid firearms 587
requalification certification issued pursuant to division (F) (3) 588
of this section has the same right to carry a concealed handgun 589
in this state as a person who was issued a concealed handgun 590
license under section 2923.125 of the Revised Code and is 591
subject to the same restrictions that apply to a person who 592
carries a license issued under that section. For purposes of 593
reciprocity with other states, a qualified retired peace officer 594
who possesses a retired peace officer identification card issued 595
pursuant to division (F) (2) of this section and a valid firearms 596
requalification certification issued pursuant to division (F) (3) 597
of this section shall be considered to be a licensee in this 598
state. 599

(2) (a) Each public agency of this state or of a political 600
subdivision of this state that is served by one or more peace 601
officers shall issue a retired peace officer identification card 602
to any person who retired from service as a peace officer with 603
that agency, if the issuance is in accordance with the agency's 604
policies and procedures and if the person, with respect to the 605
person's service with that agency, satisfies all of the 606
following: 607

(i) The person retired in good standing from service as a 608
peace officer with the public agency, and the retirement was not 609
for reasons of mental instability. 610

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

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

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

(b) A retired peace officer identification card issued to a person under division (F)(2)(a) of this section shall identify the person by name, contain a photograph of the person, identify the public agency of this state or of the political subdivision of this state from which the person retired as a peace officer and that is issuing the identification card, and specify that the person retired in good standing from service as a peace officer with the issuing public agency and satisfies the criteria set forth in divisions (F)(2)(a)(i) to (iv) of this section. In addition to the required content specified in this division, a retired peace officer identification card issued to a person under division (F)(2)(a) of this section may include the firearms requalification certification described in division (F)(3) of this section, and if the identification card includes

that certification, the identification card shall serve as the 641
firearms requalification certification for the retired peace 642
officer. If the issuing public agency issues credentials to 643
active law enforcement officers who serve the agency, the agency 644
may comply with division (F)(2)(a) of this section by issuing 645
the same credentials to persons who retired from service as a 646
peace officer with the agency and who satisfy the criteria set 647
forth in divisions (F)(2)(a)(i) to (iv) of this section, 648
provided that the credentials so issued to retired peace 649
officers are stamped with the word "RETIRED." 650

(c) A public agency of this state or of a political 651
subdivision of this state may charge persons who retired from 652
service as a peace officer with the agency a reasonable fee for 653
issuing to the person a retired peace officer identification 654
card pursuant to division (F)(2)(a) of this section. 655

(3) If a person retired from service as a peace officer 656
with a public agency of this state or of a political subdivision 657
of this state and the person satisfies the criteria set forth in 658
divisions (F)(2)(a)(i) to (iv) of this section, the public 659
agency may provide the retired peace officer with the 660
opportunity to attend a firearms requalification program that is 661
approved for purposes of firearms requalification required under 662
section 109.801 of the Revised Code. The retired peace officer 663
may be required to pay the cost of the course. 664

If a retired peace officer who satisfies the criteria set 665
forth in divisions (F)(2)(a)(i) to (iv) of this section attends 666
a firearms requalification program that is approved for purposes 667
of firearms requalification required under section 109.801 of 668
the Revised Code, the retired peace officer's successful 669
completion of the firearms requalification program requalifies 670

the retired peace officer for purposes of division (F) of this 671
section for five years from the date on which the program was 672
successfully completed, and the requalification is valid during 673
that five-year period. If a retired peace officer who satisfies 674
the criteria set forth in divisions (F) (2) (a) (i) to (iv) of this 675
section satisfactorily completes such a firearms requalification 676
program, the retired peace officer shall be issued a firearms 677
requalification certification that identifies the retired peace 678
officer by name, identifies the entity that taught the program, 679
specifies that the retired peace officer successfully completed 680
the program, specifies the date on which the course was 681
successfully completed, and specifies that the requalification 682
is valid for five years from that date of successful completion. 683
The firearms requalification certification for a retired peace 684
officer may be included in the retired peace officer 685
identification card issued to the retired peace officer under 686
division (F) (2) of this section. 687

A retired peace officer who attends a firearms 688
requalification program that is approved for purposes of 689
firearms requalification required under section 109.801 of the 690
Revised Code may be required to pay the cost of the program. 691

(G) As used in this section: 692

(1) "Qualified retired peace officer" means a person who 693
satisfies all of the following: 694

(a) The person satisfies the criteria set forth in 695
divisions (F) (2) (a) (i) to (v) of this section. 696

(b) The person is not under the influence of alcohol or 697
another intoxicating or hallucinatory drug or substance. 698

(c) The person is not prohibited by federal law from 699

receiving firearms. 700

(2) "Retired peace officer identification card" means an 701
identification card that is issued pursuant to division (F) (2) 702
of this section to a person who is a retired peace officer. 703

(3) "Government facility of this state or a political 704
subdivision of this state" means any of the following: 705

(a) A building or part of a building that is owned or 706
leased by the government of this state or a political 707
subdivision of this state and where employees of the government 708
of this state or the political subdivision regularly are present 709
for the purpose of performing their official duties as employees 710
of the state or political subdivision; 711

(b) The office of a deputy registrar serving pursuant to 712
Chapter 4503. of the Revised Code that is used to perform deputy 713
registrar functions. 714

Section 2. That existing sections 311.42, 2923.12, 715
2923.122, and 2923.126 of the Revised Code are hereby repealed. 716

Section 3. Section 2923.122 of the Revised Code is 717
presented in this act as a composite of the section as amended 718
by both Am. Sub. H.B. 495 and Am. Sub. S.B. 337 of the 129th 719
General Assembly. The General Assembly, applying the principle 720
stated in division (B) of section 1.52 of the Revised Code that 721
amendments are to be harmonized if reasonably capable of 722
simultaneous operation, finds that the composite is the 723
resulting version of the section in effect prior to the 724
effective date of the section as presented in this act. 725