

**As Passed by the Senate**

**132nd General Assembly**

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**Sub. S. B. No. 208**

**Senator Terhar**

**Cosponsors: Senators Beagle, Coley, Hottinger, Huffman, Jordan, Thomas, Uecker, Eklund, Hackett, Hoagland, Kunze, McColley, Obhof, Oelslager, Peterson**

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**A BILL**

To amend sections 2923.121 and 2923.126 and to 1  
enact section 2923.1214 of the Revised Code to 2  
generally allow a law enforcement officer or 3  
BCII investigator who is carrying validating 4  
identification, whether on or off duty, to carry 5  
a weapon on certain premises open to the public 6  
and to provide a qualified immunity from civil 7  
liability for owners, operators, and employers 8  
of such premises for any related injury, death, 9  
or loss. 10

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

**Section 1.** That sections 2923.121 and 2923.126 be amended 11  
and section 2923.1214 of the Revised Code be enacted to read as 12  
follows: 13

**Sec. 2923.121.** (A) No person shall possess a firearm in 14  
any room in which any person is consuming beer or intoxicating 15  
liquor in a premises for which a D permit has been issued under 16  
Chapter 4303. of the Revised Code or in an open air arena for 17  
which a permit of that nature has been issued. 18

(B) (1) This section does not apply to any of the 19  
following: 20

(a) An officer, agent, or employee of this or any other 21  
state or the United States, or ~~to~~a law enforcement officer, who 22  
is authorized to carry firearms and is acting within the scope 23  
of the officer's, agent's, or employee's duties; 24

(b) A law enforcement officer or investigator who is 25  
authorized to carry firearms but is not acting within the scope 26  
of the officer's or investigator's duties, as long as both of 27  
the following apply: 28

(i) The officer or investigator is not consuming beer or 29  
intoxicating liquor or under the influence of alcohol or a drug 30  
of abuse and is carrying validating identification. 31

(ii) If the firearm the officer or investigator possesses 32  
is a firearm issued or approved by the law enforcement agency 33  
served by the law enforcement officer or by the bureau of 34  
criminal identification and investigation with respect to an 35  
investigator, the agency or bureau does not have a specific 36  
policy prohibiting all officers of the agency or all 37  
investigators of the bureau from carrying a firearm issued or 38  
approved by the agency or bureau in such a manner. 39

(c) Any person who is employed in this state, who is 40  
authorized to carry firearms, and who is subject to and in 41  
compliance with the requirements of section 109.801 of the 42  
Revised Code, unless the appointing authority of the person has 43  
expressly specified that the exemption provided in division (B) 44  
(1) (b) of this section does not apply to the person; 45

~~(e)~~ (d) Any room used for the accommodation of guests of a 46  
hotel, as defined in section 4301.01 of the Revised Code; 47

~~(d)~~ (e) The principal holder of a D permit issued for a 48  
premises or an open air arena under Chapter 4303. of the Revised 49  
Code while in the premises or open air arena for which the 50  
permit was issued if the principal holder of the D permit also 51  
possesses a valid concealed handgun license and as long as the 52  
principal holder is not consuming beer or intoxicating liquor or 53  
under the influence of alcohol or a drug of abuse, or any agent 54  
or employee of that holder who also is a peace officer, as 55  
defined in section 2151.3515 of the Revised Code, who is off 56  
duty, and who otherwise is authorized to carry firearms while in 57  
the course of the officer's official duties and while in the 58  
premises or open air arena for which the permit was issued and 59  
as long as the agent or employee of that holder is not consuming 60  
beer or intoxicating liquor or under the influence of alcohol or 61  
a drug of abuse. 62

~~(e)~~ (f) Any person who is carrying a valid concealed 63  
handgun license or any person who is an active duty member of 64  
the armed forces of the United States and is carrying a valid 65  
military identification card and documentation of successful 66  
completion of firearms training that meets or exceeds the 67  
training requirements described in division (G)(1) of section 68  
2923.125 of the Revised Code, as long as the person is not 69  
consuming beer or intoxicating liquor or under the influence of 70  
alcohol or a drug of abuse. 71

(2) This section does not prohibit any person who is a 72  
member of a veteran's organization, as defined in section 73  
2915.01 of the Revised Code, from possessing a rifle in any room 74  
in any premises owned, leased, or otherwise under the control of 75  
the veteran's organization, if the rifle is not loaded with live 76  
ammunition and if the person otherwise is not prohibited by law 77  
from having the rifle. 78

(3) This section does not apply to any person possessing 79  
or displaying firearms in any room used to exhibit unloaded 80  
firearms for sale or trade in a soldiers' memorial established 81  
pursuant to Chapter 345. of the Revised Code, in a convention 82  
center, or in any other public meeting place, if the person is 83  
an exhibitor, trader, purchaser, or seller of firearms and is 84  
not otherwise prohibited by law from possessing, trading, 85  
purchasing, or selling the firearms. 86

(C) It is an affirmative defense to a charge under this 87  
section of illegal possession of a firearm in a liquor permit 88  
premises that involves the possession of a firearm other than a 89  
handgun, that the actor was not otherwise prohibited by law from 90  
having the firearm, and that any of the following apply: 91

(1) The firearm was carried or kept ready at hand by the 92  
actor for defensive purposes, while the actor was engaged in or 93  
was going to or from the actor's lawful business or occupation, 94  
which business or occupation was of such character or was 95  
necessarily carried on in such manner or at such a time or place 96  
as to render the actor particularly susceptible to criminal 97  
attack, such as would justify a prudent person in going armed. 98

(2) The firearm was carried or kept ready at hand by the 99  
actor for defensive purposes, while the actor was engaged in a 100  
lawful activity, and had reasonable cause to fear a criminal 101  
attack upon the actor or a member of the actor's family, or upon 102  
the actor's home, such as would justify a prudent person in 103  
going armed. 104

(D) No person who is charged with a violation of this 105  
section shall be required to obtain a concealed handgun license 106  
as a condition for the dismissal of the charge. 107

(E) Whoever violates this section is guilty of illegal possession of a firearm in a liquor permit premises. Except as otherwise provided in this division, illegal possession of a firearm in a liquor permit premises is a felony of the fifth degree. If the offender commits the violation of this section by knowingly carrying or having the firearm concealed on the offender's person or concealed ready at hand, illegal possession of a firearm in a liquor permit premises is a felony of the third degree.

(F) As used in this section, ~~"beer"~~:

(1) "Beer" and "intoxicating liquor" have the same meanings as in section 4301.01 of the Revised Code.

(2) "Investigator" has the same meaning as in section 109.541 of the Revised Code.

(3) "Validating identification" means one of the following:

(a) Photographic identification issued by the law enforcement agency for which an individual serves as a law enforcement officer that identifies the individual as a law enforcement officer of the agency;

(b) Photographic identification issued by the bureau of criminal identification and investigation that identifies an individual as an investigator of the bureau.

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

provided in divisions (B) and (C) of this section, a licensee 137  
who has been issued a concealed handgun license under section 138  
2923.125 or 2923.1213 of the Revised Code may carry a concealed 139  
handgun anywhere in this state if the licensee also carries a 140  
valid license and valid identification when the licensee is in 141  
actual possession of a concealed handgun. The licensee shall 142  
give notice of any change in the licensee's residence address to 143  
the sheriff who issued the license within forty-five days after 144  
that change. 145

If a licensee is the driver or an occupant of a motor 146  
vehicle that is stopped as the result of a traffic stop or a 147  
stop for another law enforcement purpose and if the licensee is 148  
transporting or has a loaded handgun in the motor vehicle at 149  
that time, the licensee shall promptly inform any law 150  
enforcement officer who approaches the vehicle while stopped 151  
that the licensee has been issued a concealed handgun license 152  
and that the licensee currently possesses or has a loaded 153  
handgun; the licensee shall not knowingly disregard or fail to 154  
comply with lawful orders of a law enforcement officer given 155  
while the motor vehicle is stopped, knowingly fail to remain in 156  
the motor vehicle while stopped, or knowingly fail to keep the 157  
licensee's hands in plain sight after any law enforcement 158  
officer begins approaching the licensee while stopped and before 159  
the officer leaves, unless directed otherwise by a law 160  
enforcement officer; and the licensee shall not knowingly have 161  
contact with the loaded handgun by touching it with the 162  
licensee's hands or fingers, in any manner in violation of 163  
division (E) of section 2923.16 of the Revised Code, after any 164  
law enforcement officer begins approaching the licensee while 165  
stopped and before the officer leaves. Additionally, if a 166  
licensee is the driver or an occupant of a commercial motor 167

vehicle that is stopped by an employee of the motor carrier 168  
enforcement unit for the purposes defined in section 5503.34 of 169  
the Revised Code and if the licensee is transporting or has a 170  
loaded handgun in the commercial motor vehicle at that time, the 171  
licensee shall promptly inform the employee of the unit who 172  
approaches the vehicle while stopped that the licensee has been 173  
issued a concealed handgun license and that the licensee 174  
currently possesses or has a loaded handgun. 175

If a licensee is stopped for a law enforcement purpose and 176  
if the licensee is carrying a concealed handgun at the time the 177  
officer approaches, the licensee shall promptly inform any law 178  
enforcement officer who approaches the licensee while stopped 179  
that the licensee has been issued a concealed handgun license 180  
and that the licensee currently is carrying a concealed handgun; 181  
the licensee shall not knowingly disregard or fail to comply 182  
with lawful orders of a law enforcement officer given while the 183  
licensee is stopped or knowingly fail to keep the licensee's 184  
hands in plain sight after any law enforcement officer begins 185  
approaching the licensee while stopped and before the officer 186  
leaves, unless directed otherwise by a law enforcement officer; 187  
and the licensee shall not knowingly remove, attempt to remove, 188  
grasp, or hold the loaded handgun or knowingly have contact with 189  
the loaded handgun by touching it with the licensee's hands or 190  
fingers, in any manner in violation of division (B) of section 191  
2923.12 of the Revised Code, after any law enforcement officer 192  
begins approaching the licensee while stopped and before the 193  
officer leaves. 194

(B) A valid concealed handgun license does not authorize 195  
the licensee to carry a concealed handgun in any manner 196  
prohibited under division (B) of section 2923.12 of the Revised 197  
Code or in any manner prohibited under section 2923.16 of the 198

Revised Code. A valid license does not authorize the licensee to	199
carry a concealed handgun into any of the following places:	200
(1) A police station, sheriff's office, or state highway	201
patrol station, premises controlled by the bureau of criminal	202
identification and investigation; a state correctional	203
institution, jail, workhouse, or other detention facility; any	204
area of an airport passenger terminal that is beyond a passenger	205
or property screening checkpoint or to which access is	206
restricted through security measures by the airport authority or	207
a public agency; or an institution that is maintained, operated,	208
managed, and governed pursuant to division (A) of section	209
5119.14 of the Revised Code or division (A) (1) of section	210
5123.03 of the Revised Code;	211
(2) A school safety zone if the licensee's carrying the	212
concealed handgun is in violation of section 2923.122 of the	213
Revised Code;	214
(3) A courthouse or another building or structure in which	215
a courtroom is located, in violation of section 2923.123 of the	216
Revised Code;	217
(4) Any premises or open air arena for which a D permit	218
has been issued under Chapter 4303. of the Revised Code if the	219
licensee's carrying the concealed handgun is in violation of	220
section 2923.121 of the Revised Code;	221
(5) Any premises owned or leased by any public or private	222
college, university, or other institution of higher education,	223
unless the handgun is in a locked motor vehicle or the licensee	224
is in the immediate process of placing the handgun in a locked	225
motor vehicle or unless the licensee is carrying the concealed	226
handgun pursuant to a written policy, rule, or other	227



authorization that is adopted by the institution's board of 228  
trustees or other governing body and that authorizes specific 229  
individuals or classes of individuals to carry a concealed 230  
handgun on the premises; 231

(6) Any church, synagogue, mosque, or other place of 232  
worship, unless the church, synagogue, mosque, or other place of 233  
worship posts or permits otherwise; 234

(7) Any building that is a government facility of this 235  
state or a political subdivision of this state and that is not a 236  
building that is used primarily as a shelter, restroom, parking 237  
facility for motor vehicles, or rest facility and is not a 238  
courthouse or other building or structure in which a courtroom 239  
is located that is subject to division (B) (3) of this section, 240  
unless the governing body with authority over the building has 241  
enacted a statute, ordinance, or policy that permits a licensee 242  
to carry a concealed handgun into the building; 243

(8) A place in which federal law prohibits the carrying of 244  
handguns. 245

(C) (1) Nothing in this section shall negate or restrict a 246  
rule, policy, or practice of a private employer that is not a 247  
private college, university, or other institution of higher 248  
education concerning or prohibiting the presence of firearms on 249  
the private employer's premises or property, including motor 250  
vehicles owned by the private employer. Nothing in this section 251  
shall require a private employer of that nature to adopt a rule, 252  
policy, or practice concerning or prohibiting the presence of 253  
firearms on the private employer's premises or property, 254  
including motor vehicles owned by the private employer. 255

(2) (a) A private employer shall be immune from liability 256

in a civil action for any injury, death, or loss to person or 257  
property that allegedly was caused by or related to a licensee 258  
bringing a handgun onto the premises or property of the private 259  
employer, including motor vehicles owned by the private 260  
employer, unless the private employer acted with malicious 261  
purpose. A private employer is immune from liability in a civil 262  
action for any injury, death, or loss to person or property that 263  
allegedly was caused by or related to the private employer's 264  
decision to permit a licensee to bring, or prohibit a licensee 265  
from bringing, a handgun onto the premises or property of the 266  
private employer. 267

(b) A political subdivision shall be immune from liability 268  
in a civil action, to the extent and in the manner provided in 269  
Chapter 2744. of the Revised Code, for any injury, death, or 270  
loss to person or property that allegedly was caused by or 271  
related to a licensee bringing a handgun onto any premises or 272  
property owned, leased, or otherwise under the control of the 273  
political subdivision. As used in this division, "political 274  
subdivision" has the same meaning as in section 2744.01 of the 275  
Revised Code. 276

(c) An institution of higher education shall be immune 277  
from liability in a civil action for any injury, death, or loss 278  
to person or property that allegedly was caused by or related to 279  
a licensee bringing a handgun onto the premises of the 280  
institution, including motor vehicles owned by the institution, 281  
unless the institution acted with malicious purpose. An 282  
institution of higher education is immune from liability in a 283  
civil action for any injury, death, or loss to person or 284  
property that allegedly was caused by or related to the 285  
institution's decision to permit a licensee or class of 286  
licensees to bring a handgun onto the premises of the 287

institution. 288

(3) (a) Except as provided in division (C) (3) (b) of this 289  
section and section 2923.1214 of the Revised Code, the owner or 290  
person in control of private land or premises, and a private 291  
person or entity leasing land or premises owned by the state, 292  
the United States, or a political subdivision of the state or 293  
the United States, may post a sign in a conspicuous location on 294  
that land or on those premises prohibiting persons from carrying 295  
firearms or concealed firearms on or onto that land or those 296  
premises. Except as otherwise provided in this division, a 297  
person who knowingly violates a posted prohibition of that 298  
nature is guilty of criminal trespass in violation of division 299  
(A) (4) of section 2911.21 of the Revised Code and is guilty of a 300  
misdemeanor of the fourth degree. If a person knowingly violates 301  
a posted prohibition of that nature and the posted land or 302  
premises primarily was a parking lot or other parking facility, 303  
the person is not guilty of criminal trespass under section 304  
2911.21 of the Revised Code or under any other criminal law of 305  
this state or criminal law, ordinance, or resolution of a 306  
political subdivision of this state, and instead is subject only 307  
to a civil cause of action for trespass based on the violation. 308

If a person knowingly violates a posted prohibition of the 309  
nature described in this division and the posted land or 310  
premises is a child day-care center, type A family day-care 311  
home, or type B family day-care home, unless the person is a 312  
licensee who resides in a type A family day-care home or type B 313  
family day-care home, the person is guilty of aggravated 314  
trespass in violation of section 2911.211 of the Revised Code. 315  
Except as otherwise provided in this division, the offender is 316  
guilty of a misdemeanor of the first degree. If the person 317  
previously has been convicted of a violation of this division or 318

of any offense of violence, if the weapon involved is a firearm 319  
that is either loaded or for which the offender has ammunition 320  
ready at hand, or if the weapon involved is dangerous ordnance, 321  
the offender is guilty of a felony of the fourth degree. 322

(b) A landlord may not prohibit or restrict a tenant who 323  
is a licensee and who on or after September 9, 2008, enters into 324  
a rental agreement with the landlord for the use of residential 325  
premises, and the tenant's guest while the tenant is present, 326  
from lawfully carrying or possessing a handgun on those 327  
residential premises. 328

(c) As used in division (C) (3) of this section: 329

(i) "Residential premises" has the same meaning as in 330  
section 5321.01 of the Revised Code, except "residential 331  
premises" does not include a dwelling unit that is owned or 332  
operated by a college or university. 333

(ii) "Landlord," "tenant," and "rental agreement" have the 334  
same meanings as in section 5321.01 of the Revised Code. 335

(D) A person who holds a valid concealed handgun license 336  
issued by another state that is recognized by the attorney 337  
general pursuant to a reciprocity agreement entered into 338  
pursuant to section 109.69 of the Revised Code or a person who 339  
holds a valid concealed handgun license under the circumstances 340  
described in division (B) of section 109.69 of the Revised Code 341  
has the same right to carry a concealed handgun in this state as 342  
a person who was issued a concealed handgun license under 343  
section 2923.125 of the Revised Code and is subject to the same 344  
restrictions that apply to a person who carries a license issued 345  
under that section. 346

(E) (1) A peace officer has the same right to carry a 347

concealed handgun in this state as a person who was issued a 348  
concealed handgun license under section 2923.125 of the Revised 349  
Code, provided that the officer when carrying a concealed 350  
handgun under authority of this division is carrying validating 351  
identification. For purposes of reciprocity with other states, a 352  
peace officer shall be considered to be a licensee in this 353  
state. 354

(2) An active duty member of the armed forces of the 355  
United States who is carrying a valid military identification 356  
card and documentation of successful completion of firearms 357  
training that meets or exceeds the training requirements 358  
described in division (G) (1) of section 2923.125 of the Revised 359  
Code has the same right to carry a concealed handgun in this 360  
state as a person who was issued a concealed handgun license 361  
under section 2923.125 of the Revised Code and is subject to the 362  
same restrictions as specified in this section. 363

(F) (1) A qualified retired peace officer who possesses a 364  
retired peace officer identification card issued pursuant to 365  
division (F) (2) of this section and a valid firearms 366  
requalification certification issued pursuant to division (F) (3) 367  
of this section has the same right to carry a concealed handgun 368  
in this state as a person who was issued a concealed handgun 369  
license under section 2923.125 of the Revised Code and is 370  
subject to the same restrictions that apply to a person who 371  
carries a license issued under that section. For purposes of 372  
reciprocity with other states, a qualified retired peace officer 373  
who possesses a retired peace officer identification card issued 374  
pursuant to division (F) (2) of this section and a valid firearms 375  
requalification certification issued pursuant to division (F) (3) 376  
of this section shall be considered to be a licensee in this 377  
state. 378

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

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

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

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

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

(b) A retired peace officer identification card issued to a person under division (F) (2) (a) of this section shall identify

the person by name, contain a photograph of the person, identify 408  
the public agency of this state or of the political subdivision 409  
of this state from which the person retired as a peace officer 410  
and that is issuing the identification card, and specify that 411  
the person retired in good standing from service as a peace 412  
officer with the issuing public agency and satisfies the 413  
criteria set forth in divisions (F) (2) (a) (i) to (iv) of this 414  
section. In addition to the required content specified in this 415  
division, a retired peace officer identification card issued to 416  
a person under division (F) (2) (a) of this section may include 417  
the firearms requalification certification described in division 418  
(F) (3) of this section, and if the identification card includes 419  
that certification, the identification card shall serve as the 420  
firearms requalification certification for the retired peace 421  
officer. If the issuing public agency issues credentials to 422  
active law enforcement officers who serve the agency, the agency 423  
may comply with division (F) (2) (a) of this section by issuing 424  
the same credentials to persons who retired from service as a 425  
peace officer with the agency and who satisfy the criteria set 426  
forth in divisions (F) (2) (a) (i) to (iv) of this section, 427  
provided that the credentials so issued to retired peace 428  
officers are stamped with the word "RETIRED." 429

(c) A public agency of this state or of a political 430  
subdivision of this state may charge persons who retired from 431  
service as a peace officer with the agency a reasonable fee for 432  
issuing to the person a retired peace officer identification 433  
card pursuant to division (F) (2) (a) of this section. 434

(3) If a person retired from service as a peace officer 435  
with a public agency of this state or of a political subdivision 436  
of this state and the person satisfies the criteria set forth in 437  
divisions (F) (2) (a) (i) to (iv) of this section, the public 438

agency may provide the retired peace officer with the 439  
opportunity to attend a firearms requalification program that is 440  
approved for purposes of firearms requalification required under 441  
section 109.801 of the Revised Code. The retired peace officer 442  
may be required to pay the cost of the course. 443

If a retired peace officer who satisfies the criteria set 444  
forth in divisions (F) (2) (a) (i) to (iv) of this section attends 445  
a firearms requalification program that is approved for purposes 446  
of firearms requalification required under section 109.801 of 447  
the Revised Code, the retired peace officer's successful 448  
completion of the firearms requalification program requalifies 449  
the retired peace officer for purposes of division (F) of this 450  
section for five years from the date on which the program was 451  
successfully completed, and the requalification is valid during 452  
that five-year period. If a retired peace officer who satisfies 453  
the criteria set forth in divisions (F) (2) (a) (i) to (iv) of this 454  
section satisfactorily completes such a firearms requalification 455  
program, the retired peace officer shall be issued a firearms 456  
requalification certification that identifies the retired peace 457  
officer by name, identifies the entity that taught the program, 458  
specifies that the retired peace officer successfully completed 459  
the program, specifies the date on which the course was 460  
successfully completed, and specifies that the requalification 461  
is valid for five years from that date of successful completion. 462  
The firearms requalification certification for a retired peace 463  
officer may be included in the retired peace officer 464  
identification card issued to the retired peace officer under 465  
division (F) (2) of this section. 466

A retired peace officer who attends a firearms 467  
requalification program that is approved for purposes of 468  
firearms requalification required under section 109.801 of the 469



Revised Code may be required to pay the cost of the program.	470
(G) As used in this section:	471
(1) "Qualified retired peace officer" means a person who satisfies all of the following:	472 473
(a) The person satisfies the criteria set forth in divisions (F) (2) (a) (i) to (v) of this section.	474 475
(b) The person is not under the influence of alcohol or another intoxicating or hallucinatory drug or substance.	476 477
(c) The person is not prohibited by federal law from receiving firearms.	478 479
(2) "Retired peace officer identification card" means an identification card that is issued pursuant to division (F) (2) of this section to a person who is a retired peace officer.	480 481 482
(3) "Government facility of this state or a political subdivision of this state" means any of the following:	483 484
(a) A building or part of a building that is owned or leased by the government of this state or a political subdivision of this state and where employees of the government of this state or the political subdivision regularly are present for the purpose of performing their official duties as employees of the state or political subdivision;	485 486 487 488 489 490
(b) The office of a deputy registrar serving pursuant to Chapter 4503. of the Revised Code that is used to perform deputy registrar functions.	491 492 493
(4) "Governing body" has the same meaning as in section 154.01 of the Revised Code.	494 495
(5) <u>"Validating identification" means photographic</u>	496

identification issued by the agency for which an individual 497  
serves as a peace officer that identifies the individual as a 498  
peace officer of the agency. 499

**Sec. 2923.1214.** (A) An establishment serving the public 500  
may not prohibit or restrict a law enforcement officer or 501  
investigator who is carrying validating identification from 502  
carrying a weapon on the premises that the officer or 503  
investigator is authorized to carry, regardless of whether the 504  
officer or investigator is acting within the scope of that 505  
officer's or investigator's duties while carrying the weapon. 506

(B) (1) Subject to division (B) (2) of this section, the 507  
owner of an establishment serving the public, the operator of an 508  
establishment serving the public, and the employer of persons 509  
employed at an establishment serving the public shall be immune 510  
from liability in a civil action for injury, death, or loss to 511  
person or property that allegedly was caused by or related to a 512  
law enforcement officer or investigator bringing a weapon into 513  
the establishment or onto the premises of the establishment. 514

(2) The immunity provided in division (B) (1) of this 515  
section is not available to an owner, operator, or employer of 516  
an establishment serving the public with respect to injury, 517  
death, or loss to person or property of the type described in 518  
that division if the owner, operator, or employer engaged in an 519  
act or omission that contributed to the injury, death, or loss 520  
and the owner's, operator's, or employer's act or omission was 521  
with malicious purpose, in bad faith, or in a wanton or reckless 522  
manner. 523

(C) As used in this section: 524

(1) "Establishment serving the public" means a hotel, a 525

restaurant or other place where food is regularly offered for 526  
sale, a retail business or other commercial establishment or 527  
office building that is open to the public, a sports venue, or 528  
any other place of public accommodation, amusement, or resort 529  
that is open to the public. 530

(2) "Hotel" has the same meaning as in section 3731.01 of 531  
the Revised Code. 532

(3) "Sports venue" means any arena, stadium, or other 533  
facility that is used primarily as a venue for sporting and 534  
athletic events for which admission is charged. 535

(4) "Investigator" has the same meaning as in section 536  
109.541 of the Revised Code. 537

(5) "Validating identification" has the same meaning as in 538  
section 2923.121 of the Revised Code. 539

**Section 2.** That existing sections 2923.121 and 2923.126 of 540  
the Revised Code are hereby repealed. 541