

As Introduced

134th General Assembly

Regular Session

2021-2022

S. B. No. 351

Senators Thomas, Maharath

Cosponsors: Senators Yuko, Antonio, Craig, Sykes, Fedor, Martin

A BILL

To amend sections 109.57, 2151.022, 2152.02, 1
2152.16, 2923.125, 2923.128, 2923.1213, 2923.13, 2
2923.21, 2923.211, 2929.28, 5122.311, 5747.08, 3
and 5747.98 and to enact sections 2923.191, 4
2923.251, 2923.26, 2923.27, 2923.28, 2923.29, 5
2923.30, 2923.99, and 5747.83 of the Revised 6
Code to enact the Defend Our Children Act to 7
require a firearm transfer to be made through a 8
dealer, through a law enforcement agency, or 9
pursuant to a specified exception, to require a 10
background check when a firearm is transferred, 11
to raise the minimum age to purchase a firearm 12
to age 21, to increase the penalty for 13
improperly furnishing firearms to an underage 14
person, to establish a process for extreme risk 15
protection orders, to prohibit negligent storage 16
of a firearm, to authorize an income tax credit 17
for the purchase of firearms safety storage 18
units, and to make an appropriation. 19

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

Section 1. That sections 109.57, 2151.022, 2152.02, 20
2152.16, 2923.125, 2923.128, 2923.1213, 2923.13, 2923.21, 21
2923.211, 2929.28, 5122.311, 5747.08, and 5747.98 be amended and 22
sections 2923.191, 2923.251, 2923.26, 2923.27, 2923.28, 2923.29, 23
2923.30, 2923.99, and 5747.83 of the Revised Code be enacted to 24
read as follows: 25

Sec. 109.57. (A) (1) The superintendent of the bureau of 26
criminal identification and investigation shall procure from 27
wherever procurable and file for record photographs, pictures, 28
descriptions, fingerprints, measurements, and other information 29
that may be pertinent of all persons who have been convicted of 30
committing within this state a felony, any crime constituting a 31
misdemeanor on the first offense and a felony on subsequent 32
offenses, or any misdemeanor described in division (A) (1) (a), 33
~~(A) (5) (a)~~ (A) (4) (a), or ~~(A) (7) (a)~~ (A) (6) (a) of section 109.572 34
of the Revised Code, of all children under eighteen years of age 35
who have been adjudicated delinquent children for committing 36
within this state an act that would be a felony or an offense of 37
violence if committed by an adult or who have been convicted of 38
or pleaded guilty to committing within this state a felony or an 39
offense of violence, and of all well-known and habitual 40
criminals. The person in charge of any county, multicounty, 41
municipal, municipal-county, or multicounty-municipal jail or 42
workhouse, community-based correctional facility, halfway house, 43
alternative residential facility, or state correctional 44
institution and the person in charge of any state institution 45
having custody of a person suspected of having committed a 46
felony, any crime constituting a misdemeanor on the first 47
offense and a felony on subsequent offenses, or any misdemeanor 48
described in division (A) (1) (a), ~~(A) (5) (a)~~ (A) (4) (a), or ~~(A) (7)~~ 49
~~(a)~~ (A) (6) (a) of section 109.572 of the Revised Code or having 50

custody of a child under eighteen years of age with respect to 51
whom there is probable cause to believe that the child may have 52
committed an act that would be a felony or an offense of 53
violence if committed by an adult shall furnish such material to 54
the superintendent of the bureau. Fingerprints, photographs, or 55
other descriptive information of a child who is under eighteen 56
years of age, has not been arrested or otherwise taken into 57
custody for committing an act that would be a felony or an 58
offense of violence who is not in any other category of child 59
specified in this division, if committed by an adult, has not 60
been adjudicated a delinquent child for committing an act that 61
would be a felony or an offense of violence if committed by an 62
adult, has not been convicted of or pleaded guilty to committing 63
a felony or an offense of violence, and is not a child with 64
respect to whom there is probable cause to believe that the 65
child may have committed an act that would be a felony or an 66
offense of violence if committed by an adult shall not be 67
procured by the superintendent or furnished by any person in 68
charge of any county, multicounty, municipal, municipal-county, 69
or multicounty-municipal jail or workhouse, community-based 70
correctional facility, halfway house, alternative residential 71
facility, or state correctional institution, except as 72
authorized in section 2151.313 of the Revised Code. 73

(2) Every clerk of a court of record in this state, other 74
than the supreme court or a court of appeals, shall send to the 75
superintendent of the bureau a weekly report containing a 76
summary of each case involving a felony, involving any crime 77
constituting a misdemeanor on the first offense and a felony on 78
subsequent offenses, involving a misdemeanor described in 79
division (A) (1) (a), ~~(A) (5) (a)~~ (A) (4) (a), or ~~(A) (7) (a)~~ (A) (6) (a) 80
of section 109.572 of the Revised Code, or involving an 81

adjudication in a case in which a child under eighteen years of 82
age was alleged to be a delinquent child for committing an act 83
that would be a felony or an offense of violence if committed by 84
an adult. The clerk of the court of common pleas shall include 85
in the report and summary the clerk sends under this division 86
all information described in divisions (A)(2)(a) to (f) of this 87
section regarding a case before the court of appeals that is 88
served by that clerk. The summary shall be written on the 89
standard forms furnished by the superintendent pursuant to 90
division (B) of this section and shall include the following 91
information: 92

(a) The incident tracking number contained on the standard 93
forms furnished by the superintendent pursuant to division (B) 94
of this section; 95

(b) The style and number of the case; 96

(c) The date of arrest, offense, summons, or arraignment; 97

(d) The date that the person was convicted of or pleaded 98
guilty to the offense, adjudicated a delinquent child for 99
committing the act that would be a felony or an offense of 100
violence if committed by an adult, found not guilty of the 101
offense, or found not to be a delinquent child for committing an 102
act that would be a felony or an offense of violence if 103
committed by an adult, the date of an entry dismissing the 104
charge, an entry declaring a mistrial of the offense in which 105
the person is discharged, an entry finding that the person or 106
child is not competent to stand trial, or an entry of a nolle 107
prosequi, or the date of any other determination that 108
constitutes final resolution of the case; 109

(e) A statement of the original charge with the section of 110

the Revised Code that was alleged to be violated; 111

(f) If the person or child was convicted, pleaded guilty, 112
or was adjudicated a delinquent child, the sentence or terms of 113
probation imposed or any other disposition of the offender or 114
the delinquent child. 115

If the offense involved the disarming of a law enforcement 116
officer or an attempt to disarm a law enforcement officer, the 117
clerk shall clearly state that fact in the summary, and the 118
superintendent shall ensure that a clear statement of that fact 119
is placed in the bureau's records. 120

(3) The superintendent shall cooperate with and assist 121
sheriffs, chiefs of police, and other law enforcement officers 122
in the establishment of a complete system of criminal 123
identification and in obtaining fingerprints and other means of 124
identification of all persons arrested on a charge of a felony, 125
any crime constituting a misdemeanor on the first offense and a 126
felony on subsequent offenses, or a misdemeanor described in 127
division (A) (1) (a), ~~(A) (5) (a)~~ (A) (4) (a), or ~~(A) (7) (a)~~ (A) (6) (a) 128
of section 109.572 of the Revised Code and of all children under 129
eighteen years of age arrested or otherwise taken into custody 130
for committing an act that would be a felony or an offense of 131
violence if committed by an adult. The superintendent also shall 132
file for record the fingerprint impressions of all persons 133
confined in a county, multicounty, municipal, municipal-county, 134
or multicounty-municipal jail or workhouse, community-based 135
correctional facility, halfway house, alternative residential 136
facility, or state correctional institution for the violation of 137
state laws and of all children under eighteen years of age who 138
are confined in a county, multicounty, municipal, municipal- 139
county, or multicounty-municipal jail or workhouse, community- 140

based correctional facility, halfway house, alternative 141
residential facility, or state correctional institution or in 142
any facility for delinquent children for committing an act that 143
would be a felony or an offense of violence if committed by an 144
adult, and any other information that the superintendent may 145
receive from law enforcement officials of the state and its 146
political subdivisions. 147

(4) The superintendent shall carry out Chapter 2950. of 148
the Revised Code with respect to the registration of persons who 149
are convicted of or plead guilty to a sexually oriented offense 150
or a child-victim oriented offense and with respect to all other 151
duties imposed on the bureau under that chapter. 152

(5) The bureau shall perform centralized recordkeeping 153
functions for criminal history records and services in this 154
state for purposes of the national crime prevention and privacy 155
compact set forth in section 109.571 of the Revised Code and is 156
the criminal history record repository as defined in that 157
section for purposes of that compact. The superintendent or the 158
superintendent's designee is the compact officer for purposes of 159
that compact and shall carry out the responsibilities of the 160
compact officer specified in that compact. 161

(6) The superintendent shall, upon request, assist a 162
county coroner in the identification of a deceased person 163
through the use of fingerprint impressions obtained pursuant to 164
division (A)(1) of this section or collected pursuant to section 165
109.572 or 311.41 of the Revised Code. 166

(B) The superintendent shall prepare and furnish to every 167
county, multicounty, municipal, municipal-county, or 168
multicounty-municipal jail or workhouse, community-based 169
correctional facility, halfway house, alternative residential 170

facility, or state correctional institution and to every clerk 171
of a court in this state specified in division (A) (2) of this 172
section standard forms for reporting the information required 173
under division (A) of this section. The standard forms that the 174
superintendent prepares pursuant to this division may be in a 175
tangible format, in an electronic format, or in both tangible 176
formats and electronic formats. 177

(C) (1) The superintendent may operate a center for 178
electronic, automated, or other data processing for the storage 179
and retrieval of information, data, and statistics pertaining to 180
criminals and to children under eighteen years of age who are 181
adjudicated delinquent children for committing an act that would 182
be a felony or an offense of violence if committed by an adult, 183
criminal activity, crime prevention, law enforcement, and 184
criminal justice, and may establish and operate a statewide 185
communications network to be known as the Ohio law enforcement 186
gateway to gather and disseminate information, data, and 187
statistics for the use of law enforcement agencies and for other 188
uses specified in this division. The superintendent may gather, 189
store, retrieve, and disseminate information, data, and 190
statistics that pertain to children who are under eighteen years 191
of age and that are gathered pursuant to sections 109.57 to 192
109.61 of the Revised Code together with information, data, and 193
statistics that pertain to adults and that are gathered pursuant 194
to those sections. 195

(2) The superintendent or the superintendent's designee 196
shall gather information of the nature described in division (C) 197
(1) of this section that pertains to the offense and delinquency 198
history of a person who has been convicted of, pleaded guilty 199
to, or been adjudicated a delinquent child for committing a 200
sexually oriented offense or a child-victim oriented offense for 201

inclusion in the state registry of sex offenders and child- 202
victim offenders maintained pursuant to division (A) (1) of 203
section 2950.13 of the Revised Code and in the internet database 204
operated pursuant to division (A) (13) of that section and for 205
possible inclusion in the internet database operated pursuant to 206
division (A) (11) of that section. 207

(3) In addition to any other authorized use of 208
information, data, and statistics of the nature described in 209
division (C) (1) of this section, the superintendent or the 210
superintendent's designee may provide and exchange the 211
information, data, and statistics pursuant to the national crime 212
prevention and privacy compact as described in division (A) (5) 213
of this section. 214

(4) The Ohio law enforcement gateway shall contain the 215
name, confidential address, and telephone number of program 216
participants in the address confidentiality program established 217
under sections 111.41 to 111.47 of the Revised Code. 218

(5) The attorney general may adopt rules under Chapter 219
119. of the Revised Code establishing guidelines for the 220
operation of and participation in the Ohio law enforcement 221
gateway. The rules may include criteria for granting and 222
restricting access to information gathered and disseminated 223
through the Ohio law enforcement gateway. The attorney general 224
shall adopt rules under Chapter 119. of the Revised Code that 225
grant access to information in the gateway regarding an address 226
confidentiality program participant under sections 111.41 to 227
111.47 of the Revised Code to only chiefs of police, village 228
marshals, county sheriffs, county prosecuting attorneys, and a 229
designee of each of these individuals. The attorney general 230
shall permit the state medical board and board of nursing to 231

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| access and view, but not alter, information gathered and | 232 |
| disseminated through the Ohio law enforcement gateway. | 233 |
| The attorney general may appoint a steering committee to | 234 |
| advise the attorney general in the operation of the Ohio law | 235 |
| enforcement gateway that is comprised of persons who are | 236 |
| representatives of the criminal justice agencies in this state | 237 |
| that use the Ohio law enforcement gateway and is chaired by the | 238 |
| superintendent or the superintendent's designee. | 239 |
| (D) (1) The following are not public records under section | 240 |
| 149.43 of the Revised Code: | 241 |
| (a) Information and materials furnished to the | 242 |
| superintendent pursuant to division (A) of this section; | 243 |
| (b) Information, data, and statistics gathered or | 244 |
| disseminated through the Ohio law enforcement gateway pursuant | 245 |
| to division (C) (1) of this section; | 246 |
| (c) Information and materials furnished to any board or | 247 |
| person under division (F) or (G) of this section. | 248 |
| (2) The superintendent or the superintendent's designee | 249 |
| shall gather and retain information so furnished under division | 250 |
| (A) of this section that pertains to the offense and delinquency | 251 |
| history of a person who has been convicted of, pleaded guilty | 252 |
| to, or been adjudicated a delinquent child for committing a | 253 |
| sexually oriented offense or a child-victim oriented offense for | 254 |
| the purposes described in division (C) (2) of this section. | 255 |
| (E) (1) The attorney general shall adopt rules, in | 256 |
| accordance with Chapter 119. of the Revised Code and subject to | 257 |
| division (E) (2) of this section, setting forth the procedure by | 258 |
| which a person may receive or release information gathered by | 259 |
| the superintendent pursuant to division (A) of this section. A | 260 |

reasonable fee may be charged for this service. If a temporary 261
employment service submits a request for a determination of 262
whether a person the service plans to refer to an employment 263
position has been convicted of or pleaded guilty to an offense 264
listed or described in division (A) (1), (2), or (3) of section 265
109.572 of the Revised Code, the request shall be treated as a 266
single request and only one fee shall be charged. 267

(2) Except as otherwise provided in this division or 268
division (E) (3) or (4) of this section, a rule adopted under 269
division (E) (1) of this section may provide only for the release 270
of information gathered pursuant to division (A) of this section 271
that relates to the conviction of a person, or a person's plea 272
of guilty to, a criminal offense or to the arrest of a person as 273
provided in division (E) (3) of this section. The superintendent 274
shall not release, and the attorney general shall not adopt any 275
rule under division (E) (1) of this section that permits the 276
release of, any information gathered pursuant to division (A) of 277
this section that relates to an adjudication of a child as a 278
delinquent child, or that relates to a criminal conviction of a 279
person under eighteen years of age if the person's case was 280
transferred back to a juvenile court under division (B) (2) or 281
(3) of section 2152.121 of the Revised Code and the juvenile 282
court imposed a disposition or serious youthful offender 283
disposition upon the person under either division, unless either 284
of the following applies with respect to the adjudication or 285
conviction: 286

(a) The adjudication or conviction was for a violation of 287
section 2903.01 or 2903.02 of the Revised Code. 288

(b) The adjudication or conviction was for a sexually 289
oriented offense, the juvenile court was required to classify 290

the child a juvenile offender registrant for that offense under 291
section 2152.82, 2152.83, or 2152.86 of the Revised Code, that 292
classification has not been removed, and the records of the 293
adjudication or conviction have not been sealed or expunged 294
pursuant to sections 2151.355 to 2151.358 or sealed pursuant to 295
section 2952.32 of the Revised Code. 296

(3) A rule adopted under division (E)(1) of this section 297
may provide for the release of information gathered pursuant to 298
division (A) of this section that relates to the arrest of a 299
person who is eighteen years of age or older when the person has 300
not been convicted as a result of that arrest if any of the 301
following applies: 302

(a) The arrest was made outside of this state. 303

(b) A criminal action resulting from the arrest is 304
pending, and the superintendent confirms that the criminal 305
action has not been resolved at the time the criminal records 306
check is performed. 307

(c) The bureau cannot reasonably determine whether a 308
criminal action resulting from the arrest is pending, and not 309
more than one year has elapsed since the date of the arrest. 310

(4) A rule adopted under division (E)(1) of this section 311
may provide for the release of information gathered pursuant to 312
division (A) of this section that relates to an adjudication of 313
a child as a delinquent child if not more than five years have 314
elapsed since the date of the adjudication, the adjudication was 315
for an act that would have been a felony if committed by an 316
adult, the records of the adjudication have not been sealed or 317
expunged pursuant to sections 2151.355 to 2151.358 of the 318
Revised Code, and the request for information is made under 319

division (F) of this section or under section 109.572 of the Revised Code. In the case of an adjudication for a violation of the terms of community control or supervised release, the five-year period shall be calculated from the date of the adjudication to which the community control or supervised release pertains.

(F) (1) As used in division (F) (2) of this section, "head start agency" means an entity in this state that has been approved to be an agency for purposes of subchapter II of the "Community Economic Development Act," 95 Stat. 489 (1981), 42 U.S.C.A. 9831, as amended.

(2) (a) In addition to or in conjunction with any request that is required to be made under section 109.572, 2151.86, 3301.32, 3301.541, division (C) of section 3310.58, or section 3319.39, 3319.391, 3327.10, 3740.11, 5104.013, 5123.081, or 5153.111 of the Revised Code or that is made under section 3314.41, 3319.392, 3326.25, or 3328.20 of the Revised Code, the board of education of any school district; the director of developmental disabilities; any county board of developmental disabilities; any provider or subcontractor as defined in section 5123.081 of the Revised Code; the chief administrator of any chartered nonpublic school; the chief administrator of a registered private provider that is not also a chartered nonpublic school; the chief administrator of any home health agency; the chief administrator of or person operating any child day-care center, type A family day-care home, or type B family day-care home licensed under Chapter 5104. of the Revised Code; the chief administrator of any head start agency; the executive director of a public children services agency; a private company described in section 3314.41, 3319.392, 3326.25, or 3328.20 of the Revised Code; or an employer described in division (J) (2) of

section 3327.10 of the Revised Code may request that the 351
superintendent of the bureau investigate and determine, with 352
respect to any individual who has applied for employment in any 353
position after October 2, 1989, or any individual wishing to 354
apply for employment with a board of education may request, with 355
regard to the individual, whether the bureau has any information 356
gathered under division (A) of this section that pertains to 357
that individual. On receipt of the request, subject to division 358
(E) (2) of this section, the superintendent shall determine 359
whether that information exists and, upon request of the person, 360
board, or entity requesting information, also shall request from 361
the federal bureau of investigation any criminal records it has 362
pertaining to that individual. The superintendent or the 363
superintendent's designee also may request criminal history 364
records from other states or the federal government pursuant to 365
the national crime prevention and privacy compact set forth in 366
section 109.571 of the Revised Code. Within thirty days of the 367
date that the superintendent receives a request, subject to 368
division (E) (2) of this section, the superintendent shall send 369
to the board, entity, or person a report of any information that 370
the superintendent determines exists, including information 371
contained in records that have been sealed under section 2953.32 372
of the Revised Code, and, within thirty days of its receipt, 373
subject to division (E) (2) of this section, shall send the 374
board, entity, or person a report of any information received 375
from the federal bureau of investigation, other than information 376
the dissemination of which is prohibited by federal law. 377

(b) When a board of education or a registered private 378
provider is required to receive information under this section 379
as a prerequisite to employment of an individual pursuant to 380
division (C) of section 3310.58 or section 3319.39 of the 381

Revised Code, it may accept a certified copy of records that 382
were issued by the bureau of criminal identification and 383
investigation and that are presented by an individual applying 384
for employment with the district in lieu of requesting that 385
information itself. In such a case, the board shall accept the 386
certified copy issued by the bureau in order to make a photocopy 387
of it for that individual's employment application documents and 388
shall return the certified copy to the individual. In a case of 389
that nature, a district or provider only shall accept a 390
certified copy of records of that nature within one year after 391
the date of their issuance by the bureau. 392

(c) Notwithstanding division (F) (2) (a) of this section, in 393
the case of a request under section 3319.39, 3319.391, or 394
3327.10 of the Revised Code only for criminal records maintained 395
by the federal bureau of investigation, the superintendent shall 396
not determine whether any information gathered under division 397
(A) of this section exists on the person for whom the request is 398
made. 399

(3) The state board of education may request, with respect 400
to any individual who has applied for employment after October 401
2, 1989, in any position with the state board or the department 402
of education, any information that a school district board of 403
education is authorized to request under division (F) (2) of this 404
section, and the superintendent of the bureau shall proceed as 405
if the request has been received from a school district board of 406
education under division (F) (2) of this section. 407

(4) When the superintendent of the bureau receives a 408
request for information under section 3319.291 of the Revised 409
Code, the superintendent shall proceed as if the request has 410
been received from a school district board of education and 411

shall comply with divisions (F) (2) (a) and (c) of this section. 412

(G) In addition to or in conjunction with any request that 413
is required to be made under section 3712.09, 3721.121, or 414
3740.11 of the Revised Code with respect to an individual who 415
has applied for employment in a position that involves providing 416
direct care to an older adult or adult resident, the chief 417
administrator of a home health agency, hospice care program, 418
home licensed under Chapter 3721. of the Revised Code, or adult 419
day-care program operated pursuant to rules adopted under 420
section 3721.04 of the Revised Code may request that the 421
superintendent of the bureau investigate and determine, with 422
respect to any individual who has applied after January 27, 423
1997, for employment in a position that does not involve 424
providing direct care to an older adult or adult resident, 425
whether the bureau has any information gathered under division 426
(A) of this section that pertains to that individual. 427

In addition to or in conjunction with any request that is 428
required to be made under section 173.27 of the Revised Code 429
with respect to an individual who has applied for employment in 430
a position that involves providing ombudsman services to 431
residents of long-term care facilities or recipients of 432
community-based long-term care services, the state long-term 433
care ombudsman, the director of aging, a regional long-term care 434
ombudsman program, or the designee of the ombudsman, director, 435
or program may request that the superintendent investigate and 436
determine, with respect to any individual who has applied for 437
employment in a position that does not involve providing such 438
ombudsman services, whether the bureau has any information 439
gathered under division (A) of this section that pertains to 440
that applicant. 441

In addition to or in conjunction with any request that is 442
required to be made under section 173.38 of the Revised Code 443
with respect to an individual who has applied for employment in 444
a direct-care position, the chief administrator of a provider, 445
as defined in section 173.39 of the Revised Code, may request 446
that the superintendent investigate and determine, with respect 447
to any individual who has applied for employment in a position 448
that is not a direct-care position, whether the bureau has any 449
information gathered under division (A) of this section that 450
pertains to that applicant. 451

In addition to or in conjunction with any request that is 452
required to be made under section 3712.09 of the Revised Code 453
with respect to an individual who has applied for employment in 454
a position that involves providing direct care to a pediatric 455
respite care patient, the chief administrator of a pediatric 456
respite care program may request that the superintendent of the 457
bureau investigate and determine, with respect to any individual 458
who has applied for employment in a position that does not 459
involve providing direct care to a pediatric respite care 460
patient, whether the bureau has any information gathered under 461
division (A) of this section that pertains to that individual. 462

On receipt of a request under this division, the 463
superintendent shall determine whether that information exists 464
and, on request of the individual requesting information, shall 465
also request from the federal bureau of investigation any 466
criminal records it has pertaining to the applicant. The 467
superintendent or the superintendent's designee also may request 468
criminal history records from other states or the federal 469
government pursuant to the national crime prevention and privacy 470
compact set forth in section 109.571 of the Revised Code. Within 471
thirty days of the date a request is received, subject to 472

division (E) (2) of this section, the superintendent shall send 473
to the requester a report of any information determined to 474
exist, including information contained in records that have been 475
sealed under section 2953.32 of the Revised Code, and, within 476
thirty days of its receipt, shall send the requester a report of 477
any information received from the federal bureau of 478
investigation, other than information the dissemination of which 479
is prohibited by federal law. 480

(H) Information obtained by a government entity or person 481
under this section is confidential and shall not be released or 482
disseminated. 483

(I) The superintendent may charge a reasonable fee for 484
providing information or criminal records under division (F) (2) 485
or (G) of this section. 486

(J) (1) The superintendent shall develop and prepare 487
instructions and informational brochures, standard petitions, 488
extreme risk protection order forms, and a court staff handbook 489
on the extreme risk protection order process. The standard 490
petitions and order forms shall be prepared and available for 491
use not later than six months after the effective date of this 492
amendment, for all petitions filed and orders issued under 493
sections 2923.26 to 2923.30 of the Revised Code. The 494
instructions, brochures, forms, and handbook shall be prepared 495
in consultation with interested parties, including 496
representatives of gun violence prevention groups, judges, and 497
law enforcement personnel. Materials shall be based on best 498
practices and shall be made available online to the public. 499

(2) The instructions shall be designed to assist 500
petitioners in completing the petition, and shall include a 501
sample of a standard petition and extreme risk protection order 502

form. 503

(3) The instructions and standard petition shall include a 504
means for the petitioner to identify, without special knowledge, 505
the firearms the respondent may own, possess, receive, or have 506
in the respondent's custody or control. The instructions shall 507
provide pictures of types of firearms that the petitioner may 508
choose from to identify the relevant firearms, or an equivalent 509
means to allow petitioners to identify firearms without 510
requiring specific or technical knowledge regarding the 511
firearms. 512

(4) The informational brochure shall describe the use of 513
and the process for obtaining, modifying, and terminating an 514
extreme risk protection order under sections 2923.26 to 2923.30 515
of the Revised Code and provide relevant forms. 516

(5) The extreme risk protection order form shall include, 517
in a conspicuous location, notice of criminal penalties 518
resulting from a violation of the order, and the following 519
statement: 520

"You have the sole responsibility to avoid or refrain from 521
violating this order's provisions. Only the court can change the 522
order and only upon written application." 523

(6) The court staff handbook shall allow for a clerk of 524
court to add to the handbook a community resource list. 525

(7) The superintendent shall distribute a master copy of 526
the petition and order forms, instructions, and informational 527
brochures to every clerk of court and shall distribute a master 528
copy of the petition and order forms to all county courts, 529
municipal courts, and courts of common pleas. 530

(8) The superintendent shall distribute all documents in 531

an electronic format or formats accessible to all courts and 532
clerks of court in the state and may additionally distribute the 533
documents in other formats. 534

(9) The superintendent shall determine the significant 535
non-English-speaking or limited English-speaking populations in 536
the state and arrange for translation of the instructions and 537
informational brochures required by this section into the 538
languages spoken by those populations. The translated 539
instructions and informational brochures shall contain a sample 540
of the standard petition and order for protection forms. The 541
superintendent shall distribute a master copy of the translated 542
instructions and informational brochures to every clerk of court 543
not later than one year after the effective date of this 544
amendment. 545

(10) The superintendent shall update the instructions, 546
brochures, standard petitions, extreme risk protection order 547
forms, and court staff handbook as necessary, including when 548
changes in the law make an update necessary. 549

(11) Any assistance or information provided by a clerk of 550
court under division (J) of this section does not constitute the 551
practice of law. 552

(K) In addition to informational brochures and materials 553
made available by the superintendent under division (J) of this 554
section, each clerk of court may create a community resource 555
list of crisis intervention, mental health, substance abuse, 556
interpreter, counseling, and other relevant resources serving 557
the county in which the court is located. 558

(L) As used in this section: 559

(1) "Pediatric respite care program" and "pediatric care" 560

patient" have the same meanings as in section 3712.01 of the Revised Code.

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

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

(4) "Extreme risk protection order" has the same meaning as in section 2923.26 of the Revised Code.

Sec. 2151.022. As used in this chapter, "unruly child" includes any of the following:

(A) Any child who does not submit to the reasonable control of the child's parents, teachers, guardian, or custodian, by reason of being wayward or habitually disobedient;

(B) Any child who is an habitual truant from school;

(C) Any child who behaves in a manner as to injure or endanger the child's own health or morals or the health or morals of others;

(D) Any child who violates a law, other than division (C) of section 2907.39, ~~division (A) of section 2923.211,~~ division (C) (1) or (D) of section 2925.55, or section 2151.87 or 2923.211 of the Revised Code, that is applicable only to a child.

Sec. 2152.02. As used in this chapter:

(A) "Act charged" means the act that is identified in a complaint, indictment, or information alleging that a child is a delinquent child.

(B) "Admitted to a department of youth services facility" includes admission to a facility operated, or contracted for, by the department and admission to a comparable facility outside this state by another state or the United States.

(C) (1) "Child" means a person who is under eighteen years of age, except as otherwise provided in divisions (C) (2) to (8) of this section.

(2) Subject to division (C) (3) of this section, any person who violates a federal or state law or a municipal ordinance prior to attaining eighteen years of age shall be deemed a "child" irrespective of that person's age at the time the complaint with respect to that violation is filed or the hearing on the complaint is held.

(3) Any person who, while under eighteen years of age, commits an act that would be a felony if committed by an adult and who is not taken into custody or apprehended for that act until after the person attains twenty-one years of age is not a child in relation to that act.

(4) Except as otherwise provided in divisions (C) (5) and (7) of this section, any person whose case is transferred for criminal prosecution pursuant to section 2152.12 of the Revised Code shall be deemed after the transfer not to be a child in the transferred case.

(5) Any person whose case is transferred for criminal prosecution pursuant to section 2152.12 of the Revised Code and who subsequently is convicted of or pleads guilty to a felony in

that case, unless a serious youthful offender dispositional 617
sentence is imposed on the child for that offense under division 618
(B) (2) or (3) of section 2152.121 of the Revised Code and the 619
adult portion of that sentence is not invoked pursuant to 620
section 2152.14 of the Revised Code, and any person who is 621
adjudicated a delinquent child for the commission of an act, who 622
has a serious youthful offender dispositional sentence imposed 623
for the act pursuant to section 2152.13 of the Revised Code, and 624
whose adult portion of the dispositional sentence is invoked 625
pursuant to section 2152.14 of the Revised Code, shall be deemed 626
after the conviction, plea, or invocation not to be a child in 627
any case in which a complaint is filed against the person. 628

(6) The juvenile court has jurisdiction over a person who 629
is adjudicated a delinquent child or juvenile traffic offender 630
prior to attaining eighteen years of age until the person 631
attains twenty-one years of age, and, for purposes of that 632
jurisdiction related to that adjudication, except as otherwise 633
provided in this division, a person who is so adjudicated a 634
delinquent child or juvenile traffic offender shall be deemed a 635
"child" until the person attains twenty-one years of age. If a 636
person is so adjudicated a delinquent child or juvenile traffic 637
offender and the court makes a disposition of the person under 638
this chapter, at any time after the person attains twenty-one 639
years of age, the places at which the person may be held under 640
that disposition are not limited to places authorized under this 641
chapter solely for confinement of children, and the person may 642
be confined under that disposition, in accordance with division 643
(F) (2) of section 2152.26 of the Revised Code, in places other 644
than those authorized under this chapter solely for confinement 645
of children. 646

(7) The juvenile court has jurisdiction over any person 647

whose case is transferred for criminal prosecution solely for 648
the purpose of detaining the person as authorized in division 649
(F) (1) or (4) of section 2152.26 of the Revised Code unless the 650
person is convicted of or pleads guilty to a felony in the adult 651
court. 652

(8) Any person who, while eighteen years of age, violates 653
division (A) (1) or (2) of section 2919.27 of the Revised Code by 654
violating a protection order issued or consent agreement 655
approved under section 2151.34 or 3113.31 of the Revised Code 656
shall be considered a child for the purposes of that violation 657
of section 2919.27 of the Revised Code. 658

(D) "Community corrections facility," "public safety 659
beds," "release authority," and "supervised release" have the 660
same meanings as in section 5139.01 of the Revised Code. 661

(E) "Delinquent child" includes any of the following: 662

(1) Any child, except a juvenile traffic offender, who 663
violates any law of this state or the United States, or any 664
ordinance of a political subdivision of the state, that would be 665
an offense if committed by an adult; 666

(2) Any child who violates any lawful order of the court 667
made under this chapter, including a child who violates a court 668
order regarding the child's prior adjudication as an unruly 669
child for being an habitual truant; 670

(3) Any child who violates any lawful order of the court 671
made under Chapter 2151. of the Revised Code other than an order 672
issued under section 2151.87 of the Revised Code; 673

(4) Any child who violates division (C) of section 674
2907.39, ~~division (A) of section 2923.211, or~~ division (C) (1) or 675
(D) of section 2925.55, or section 2923.211 of the Revised Code. 676

(F) "Discretionary serious youthful offender" means a person who is eligible for a discretionary SYO and who is not transferred to adult court under a mandatory or discretionary transfer.

(G) "Discretionary SYO" means a case in which the juvenile court, in the juvenile court's discretion, may impose a serious youthful offender disposition under section 2152.13 of the Revised Code.

(H) "Discretionary transfer" means that the juvenile court has discretion to transfer a case for criminal prosecution under division (B) of section 2152.12 of the Revised Code.

(I) "Drug abuse offense," "felony drug abuse offense," and "minor drug possession offense" have the same meanings as in section 2925.01 of the Revised Code.

(J) "Electronic monitoring" and "electronic monitoring device" have the same meanings as in section 2929.01 of the Revised Code.

(K) "Economic loss" means any economic detriment suffered by a victim of a delinquent act or juvenile traffic offense as a direct and proximate result of the delinquent act or juvenile traffic offense and includes any loss of income due to lost time at work because of any injury caused to the victim and any property loss, medical cost, or funeral expense incurred as a result of the delinquent act or juvenile traffic offense. "Economic loss" does not include non-economic loss or any punitive or exemplary damages.

(L) "Firearm" has the same meaning as in section 2923.11 of the Revised Code.

(M) "Intellectual disability" has the same meaning as in

section 5123.01 of the Revised Code. 706

(N) "Juvenile traffic offender" means any child who 707
violates any traffic law, traffic ordinance, or traffic 708
regulation of this state, the United States, or any political 709
subdivision of this state, other than a resolution, ordinance, 710
or regulation of a political subdivision of this state the 711
violation of which is required to be handled by a parking 712
violations bureau or a joint parking violations bureau pursuant 713
to Chapter 4521. of the Revised Code. 714

(O) A "legitimate excuse for absence from the public 715
school the child is supposed to attend" has the same meaning as 716
in section 2151.011 of the Revised Code. 717

(P) "Mandatory serious youthful offender" means a person 718
who is eligible for a mandatory SYO and who is not transferred 719
to adult court under a mandatory or discretionary transfer and 720
also includes, for purposes of imposition of a mandatory serious 721
youthful dispositional sentence under section 2152.13 of the 722
Revised Code, a person upon whom a juvenile court is required to 723
impose such a sentence under division (B) (3) of section 2152.121 724
of the Revised Code. 725

(Q) "Mandatory SYO" means a case in which the juvenile 726
court is required to impose a mandatory serious youthful 727
offender disposition under section 2152.13 of the Revised Code. 728

(R) "Mandatory transfer" means that a case is required to 729
be transferred for criminal prosecution under division (A) of 730
section 2152.12 of the Revised Code. 731

(S) "Mental illness" has the same meaning as in section 732
5122.01 of the Revised Code. 733

(T) "Monitored time" and "repeat violent offender" have 734

| | |
|---|--|
| the same meanings as in section 2929.01 of the Revised Code. | 735 |
| (U) "Of compulsory school age" has the same meaning as in section 3321.01 of the Revised Code. | 736 737 |
| (V) "Public record" has the same meaning as in section 149.43 of the Revised Code. | 738 739 |
| (W) "Serious youthful offender" means a person who is eligible for a mandatory SYO or discretionary SYO but who is not transferred to adult court under a mandatory or discretionary transfer and also includes, for purposes of imposition of a mandatory serious youthful dispositional sentence under section 2152.13 of the Revised Code, a person upon whom a juvenile court is required to impose such a sentence under division (B) (3) of section 2152.121 of the Revised Code. | 740 741 742 743 744 745 746 747 |
| (X) "Sexually oriented offense," "juvenile offender registrant," "child-victim oriented offense," "tier I sex offender/child-victim offender," "tier II sex offender/child-victim offender," "tier III sex offender/child-victim offender," and "public registry-qualified juvenile offender registrant" have the same meanings as in section 2950.01 of the Revised Code. | 748 749 750 751 752 753 754 |
| (Y) "Traditional juvenile" means a case that is not transferred to adult court under a mandatory or discretionary transfer, that is eligible for a disposition under sections 2152.16, 2152.17, 2152.19, and 2152.20 of the Revised Code, and that is not eligible for a disposition under section 2152.13 of the Revised Code. | 755 756 757 758 759 760 |
| (Z) "Transfer" means the transfer for criminal prosecution of a case involving the alleged commission by a child of an act that would be an offense if committed by an adult from the | 761 762 763 |

| | |
|--|--|
| juvenile court to the appropriate court that has jurisdiction of the offense. | 764 765 |
| (AA) "Category one offense" means any of the following: | 766 |
| (1) A violation of section 2903.01 or 2903.02 of the Revised Code; | 767 768 |
| (2) A violation of section 2923.02 of the Revised Code involving an attempt to commit aggravated murder or murder. | 769 770 |
| (BB) "Category two offense" means any of the following: | 771 |
| (1) A violation of section 2903.03, 2905.01, 2907.02, 2909.02, 2911.01, or 2911.11 of the Revised Code; | 772 773 |
| (2) A violation of section 2903.04 of the Revised Code that is a felony of the first degree; | 774 775 |
| (3) A violation of section 2907.12 of the Revised Code as it existed prior to September 3, 1996. | 776 777 |
| (CC) "Non-economic loss" means nonpecuniary harm suffered by a victim of a delinquent act or juvenile traffic offense as a result of or related to the delinquent act or juvenile traffic offense, including, but not limited to, pain and suffering; loss of society, consortium, companionship, care, assistance, attention, protection, advice, guidance, counsel, instruction, training, or education; mental anguish; and any other intangible loss. | 778 779 780 781 782 783 784 785 |
| Sec. 2152.16. (A) (1) If a child is adjudicated a delinquent child for committing an act that would be a felony if committed by an adult, the juvenile court may commit the child to the legal custody of the department of youth services for secure confinement as follows: | 786 787 788 789 790 |

(a) For an act that would be aggravated murder or murder 791
if committed by an adult, until the offender attains twenty-one 792
years of age; 793

(b) For a violation of section 2923.02 of the Revised Code 794
that involves an attempt to commit an act that would be 795
aggravated murder or murder if committed by an adult, a minimum 796
period of six to seven years as prescribed by the court and a 797
maximum period not to exceed the child's attainment of twenty- 798
one years of age; 799

(c) For a violation of section 2903.03, 2905.01, 2909.02, 800
or 2911.01 or division (A) of section 2903.04 of the Revised 801
Code or for a violation of any provision of section 2907.02 of 802
the Revised Code other than division (A) (1) (b) of that section 803
when the sexual conduct or insertion involved was consensual and 804
when the victim of the violation of division (A) (1) (b) of that 805
section was older than the delinquent child, was the same age as 806
the delinquent child, or was less than three years younger than 807
the delinquent child, for an indefinite term consisting of a 808
minimum period of one to three years, as prescribed by the 809
court, and a maximum period not to exceed the child's attainment 810
of twenty-one years of age; 811

(d) If the child is adjudicated a delinquent child for 812
committing an act that is not described in division (A) (1) (b) or 813
(c) of this section and that would be a felony of the first or 814
second degree if committed by an adult, for an indefinite term 815
consisting of a minimum period of one year and a maximum period 816
not to exceed the child's attainment of twenty-one years of age. 817

(e) For committing an act that would be a felony of the 818
third, fourth, or fifth degree if committed by an adult or for a 819
violation of ~~division (A) of~~ section 2923.211 of the Revised 820

Code, for an indefinite term consisting of a minimum period of 821
six months and a maximum period not to exceed the child's 822
attainment of twenty-one years of age. 823

(2) In each case in which a court makes a disposition 824
under this section, the court retains control over the 825
commitment for the minimum period specified by the court in 826
divisions (A) (1) (a) to (e) of this section. During the minimum 827
period, the department of youth services shall not move the 828
child to a nonsecure setting without the permission of the court 829
that imposed the disposition. 830

(B) (1) Subject to division (B) (2) of this section, if a 831
delinquent child is committed to the department of youth 832
services under this section, the department may release the 833
child at any time after the minimum period specified by the 834
court in division (A) (1) of this section ends. 835

(2) A commitment under this section is subject to a 836
supervised release or to a discharge of the child from the 837
custody of the department for medical reasons pursuant to 838
section 5139.54 of the Revised Code, but, during the minimum 839
period specified by the court in division (A) (1) of this 840
section, the department shall obtain court approval of a 841
supervised release or discharge under that section. 842

(C) If a child is adjudicated a delinquent child, at the 843
dispositional hearing and prior to making any disposition 844
pursuant to this section, the court shall determine whether the 845
delinquent child previously has been adjudicated a delinquent 846
child for a violation of a law or ordinance. If the delinquent 847
child previously has been adjudicated a delinquent child for a 848
violation of a law or ordinance, the court, for purposes of 849
entering an order of disposition of the delinquent child under 850

this section, shall consider the previous delinquent child 851
adjudication as a conviction of a violation of the law or 852
ordinance in determining the degree of the offense the current 853
act would be had it been committed by an adult. This division 854
also shall apply in relation to the imposition of any financial 855
sanction under section 2152.19 of the Revised Code. 856

Sec. 2923.125. It is the intent of the general assembly 857
that Ohio concealed handgun license law be compliant with the 858
national instant criminal background check system, that the 859
bureau of alcohol, tobacco, firearms, and explosives is able to 860
determine that Ohio law is compliant with the national instant 861
criminal background check system, and that no person shall be 862
eligible to receive a concealed handgun license permit under 863
section 2923.125 or 2923.1213 of the Revised Code unless the 864
person is eligible lawfully to receive or possess a firearm in 865
the United States. 866

(A) This section applies with respect to the application 867
for and issuance by this state of concealed handgun licenses 868
other than concealed handgun licenses on a temporary emergency 869
basis that are issued under section 2923.1213 of the Revised 870
Code. Upon the request of a person who wishes to obtain a 871
concealed handgun license with respect to which this section 872
applies or to renew a concealed handgun license with respect to 873
which this section applies, a sheriff, as provided in division 874
(I) of this section, shall provide to the person free of charge 875
an application form and the web site address at which a 876
printable version of the application form that can be downloaded 877
and the pamphlet described in division (B) of section 109.731 of 878
the Revised Code may be found. A sheriff shall accept a 879
completed application form and the fee, items, materials, and 880
information specified in divisions (B) (1) to (5) of this section 881

at the times and in the manners described in division (I) of 882
this section. 883

(B) An applicant for a concealed handgun license who is a 884
resident of this state shall submit a completed application form 885
and all of the material and information described in divisions 886
(B) (1) to (6) of this section to the sheriff of the county in 887
which the applicant resides or to the sheriff of any county 888
adjacent to the county in which the applicant resides. An 889
applicant for a license who resides in another state shall 890
submit a completed application form and all of the material and 891
information described in divisions (B) (1) to (7) of this section 892
to the sheriff of the county in which the applicant is employed 893
or to the sheriff of any county adjacent to the county in which 894
the applicant is employed: 895

(1) (a) A nonrefundable license fee as described in either 896
of the following: 897

(i) For an applicant who has been a resident of this state 898
for five or more years, a fee of sixty-seven dollars; 899

(ii) For an applicant who has been a resident of this 900
state for less than five years or who is not a resident of this 901
state, but who is employed in this state, a fee of sixty-seven 902
dollars plus the actual cost of having a background check 903
performed by the federal bureau of investigation. 904

(b) No sheriff shall require an applicant to pay for the 905
cost of a background check performed by the bureau of criminal 906
identification and investigation. 907

(c) A sheriff shall waive the payment of the license fee 908
described in division (B) (1) (a) of this section in connection 909
with an initial or renewal application for a license that is 910

submitted by an applicant who is an active or reserve member of 911
the armed forces of the United States or has retired from or was 912
honorably discharged from military service in the active or 913
reserve armed forces of the United States, a retired peace 914
officer, a retired person described in division (B) (1) (b) of 915
section 109.77 of the Revised Code, or a retired federal law 916
enforcement officer who, prior to retirement, was authorized 917
under federal law to carry a firearm in the course of duty, 918
unless the retired peace officer, person, or federal law 919
enforcement officer retired as the result of a mental 920
disability. 921

(d) The sheriff shall deposit all fees paid by an 922
applicant under division (B) (1) (a) of this section into the 923
sheriff's concealed handgun license issuance fund established 924
pursuant to section 311.42 of the Revised Code. The county shall 925
distribute the fees in accordance with section 311.42 of the 926
Revised Code. 927

(2) A color photograph of the applicant that was taken 928
within thirty days prior to the date of the application; 929

(3) One or more of the following competency 930
certifications, each of which shall reflect that, regarding a 931
certification described in division (B) (3) (a), (b), (c), (e), or 932
(f) of this section, within the three years immediately 933
preceding the application the applicant has performed that to 934
which the competency certification relates and that, regarding a 935
certification described in division (B) (3) (d) of this section, 936
the applicant currently is an active or reserve member of the 937
armed forces of the United States, the applicant has retired 938
from or was honorably discharged from military service in the 939
active or reserve armed forces of the United States, or within 940

the ten years immediately preceding the application the 941
retirement of the peace officer, person described in division 942
(B) (1) (b) of section 109.77 of the Revised Code, or federal law 943
enforcement officer to which the competency certification 944
relates occurred: 945

(a) An original or photocopy of a certificate of 946
completion of a firearms safety, training, or requalification or 947
firearms safety instructor course, class, or program that was 948
offered by or under the auspices of a national gun advocacy 949
organization and that complies with the requirements set forth 950
in division (G) of this section; 951

(b) An original or photocopy of a certificate of 952
completion of a firearms safety, training, or requalification or 953
firearms safety instructor course, class, or program that 954
satisfies all of the following criteria: 955

(i) It was open to members of the general public. 956

(ii) It utilized qualified instructors who were certified 957
by a national gun advocacy organization, the executive director 958
of the Ohio peace officer training commission pursuant to 959
section 109.75 or 109.78 of the Revised Code, or a governmental 960
official or entity of another state. 961

(iii) It was offered by or under the auspices of a law 962
enforcement agency of this or another state or the United 963
States, a public or private college, university, or other 964
similar postsecondary educational institution located in this or 965
another state, a firearms training school located in this or 966
another state, or another type of public or private entity or 967
organization located in this or another state. 968

(iv) It complies with the requirements set forth in 969

division (G) of this section. 970

(c) An original or photocopy of a certificate of 971
completion of a state, county, municipal, or department of 972
natural resources peace officer training school that is approved 973
by the executive director of the Ohio peace officer training 974
commission pursuant to section 109.75 of the Revised Code and 975
that complies with the requirements set forth in division (G) of 976
this section, or the applicant has satisfactorily completed and 977
been issued a certificate of completion of a basic firearms 978
training program, a firearms requalification training program, 979
or another basic training program described in section 109.78 or 980
109.801 of the Revised Code that complies with the requirements 981
set forth in division (G) of this section; 982

(d) A document that evidences both of the following: 983

(i) That the applicant is an active or reserve member of 984
the armed forces of the United States, has retired from or was 985
honorably discharged from military service in the active or 986
reserve armed forces of the United States, is a retired trooper 987
of the state highway patrol, or is a retired peace officer or 988
federal law enforcement officer described in division (B) (1) of 989
this section or a retired person described in division (B) (1) (b) 990
of section 109.77 of the Revised Code and division (B) (1) of 991
this section; 992

(ii) That, through participation in the military service 993
or through the former employment described in division (B) (3) (d) 994
(i) of this section, the applicant acquired experience with 995
handling handguns or other firearms, and the experience so 996
acquired was equivalent to training that the applicant could 997
have acquired in a course, class, or program described in 998
division (B) (3) (a), (b), or (c) of this section. 999

(e) A certificate or another similar document that 1000
evidences satisfactory completion of a firearms training, 1001
safety, or requalification or firearms safety instructor course, 1002
class, or program that is not otherwise described in division 1003
(B) (3) (a), (b), (c), or (d) of this section, that was conducted 1004
by an instructor who was certified by an official or entity of 1005
the government of this or another state or the United States or 1006
by a national gun advocacy organization, and that complies with 1007
the requirements set forth in division (G) of this section; 1008

(f) An affidavit that attests to the applicant's 1009
satisfactory completion of a course, class, or program described 1010
in division (B) (3) (a), (b), (c), or (e) of this section and that 1011
is subscribed by the applicant's instructor or an authorized 1012
representative of the entity that offered the course, class, or 1013
program or under whose auspices the course, class, or program 1014
was offered; 1015

(g) A document that evidences that the applicant has 1016
successfully completed the Ohio peace officer training program 1017
described in section 109.79 of the Revised Code. 1018

(4) A certification by the applicant that the applicant 1019
has read the pamphlet prepared by the Ohio peace officer 1020
training commission pursuant to section 109.731 of the Revised 1021
Code that reviews firearms, dispute resolution, and use of 1022
deadly force matters. 1023

(5) A set of fingerprints of the applicant provided as 1024
described in section 311.41 of the Revised Code through use of 1025
an electronic fingerprint reading device or, if the sheriff to 1026
whom the application is submitted does not possess and does not 1027
have ready access to the use of such a reading device, on a 1028
standard impression sheet prescribed pursuant to division (C) (2) 1029

of section 109.572 of the Revised Code. 1030

(6) If the applicant is not a citizen or national of the 1031
United States, the name of the applicant's country of 1032
citizenship and the applicant's alien registration number issued 1033
by the United States citizenship and immigration services 1034
agency. 1035

(7) If the applicant resides in another state, adequate 1036
proof of employment in Ohio. 1037

(C) Upon receipt of the completed application form, 1038
supporting documentation, and, if not waived, license fee of an 1039
applicant under this section, a sheriff, in the manner specified 1040
in section 311.41 of the Revised Code, shall conduct or cause to 1041
be conducted the criminal records check and the incompetency 1042
records check described in section 311.41 of the Revised Code. 1043

(D) (1) Except as provided in division (D) (3) of this 1044
section, within forty-five days after a sheriff's receipt of an 1045
applicant's completed application form for a concealed handgun 1046
license under this section, the supporting documentation, and, 1047
if not waived, the license fee, the sheriff shall make available 1048
through the law enforcement automated data system in accordance 1049
with division (H) of this section the information described in 1050
that division and, upon making the information available through 1051
the system, shall issue to the applicant a concealed handgun 1052
license that shall expire as described in division (D) (2) (a) of 1053
this section if all of the following apply: 1054

(a) The applicant is legally living in the United States. 1055
For purposes of division (D) (1) (a) of this section, if a person 1056
is absent from the United States in compliance with military or 1057
naval orders as an active or reserve member of the armed forces 1058

of the United States and if prior to leaving the United States 1059
the person was legally living in the United States, the person, 1060
solely by reason of that absence, shall not be considered to 1061
have lost the person's status as living in the United States. 1062

(b) The applicant is at least twenty-one years of age. 1063

(c) The applicant is not a fugitive from justice. 1064

(d) The applicant is not under indictment for or otherwise 1065
charged with a felony; an offense under Chapter 2925., 3719., or 1066
4729. of the Revised Code that involves the illegal possession, 1067
use, sale, administration, or distribution of or trafficking in 1068
a drug of abuse; a misdemeanor offense of violence; or a 1069
violation of section 2903.14 or 2923.1211 of the Revised Code. 1070

(e) Except as otherwise provided in division (D) (4) or (5) 1071
of this section, the applicant has not been convicted of or 1072
pleaded guilty to a felony or an offense under Chapter 2925., 1073
3719., or 4729. of the Revised Code that involves the illegal 1074
possession, use, sale, administration, or distribution of or 1075
trafficking in a drug of abuse; has not been adjudicated a 1076
delinquent child for committing an act that if committed by an 1077
adult would be a felony or would be an offense under Chapter 1078
2925., 3719., or 4729. of the Revised Code that involves the 1079
illegal possession, use, sale, administration, or distribution 1080
of or trafficking in a drug of abuse; has not been convicted of, 1081
pleaded guilty to, or adjudicated a delinquent child for 1082
committing a violation of section 2903.13 of the Revised Code 1083
when the victim of the violation is a peace officer, regardless 1084
of whether the applicant was sentenced under division (C) (4) of 1085
that section; and has not been convicted of, pleaded guilty to, 1086
or adjudicated a delinquent child for committing any other 1087
offense that is not previously described in this division that 1088

is a misdemeanor punishable by imprisonment for a term exceeding 1089
one year. 1090

(f) Except as otherwise provided in division (D) (4) or (5) 1091
of this section, the applicant, within three years of the date 1092
of the application, has not been convicted of or pleaded guilty 1093
to a misdemeanor offense of violence other than a misdemeanor 1094
violation of section 2921.33 of the Revised Code or a violation 1095
of section 2903.13 of the Revised Code when the victim of the 1096
violation is a peace officer, or a misdemeanor violation of 1097
section 2923.1211 of the Revised Code; and has not been 1098
adjudicated a delinquent child for committing an act that if 1099
committed by an adult would be a misdemeanor offense of violence 1100
other than a misdemeanor violation of section 2921.33 of the 1101
Revised Code or a violation of section 2903.13 of the Revised 1102
Code when the victim of the violation is a peace officer or for 1103
committing an act that if committed by an adult would be a 1104
misdemeanor violation of section 2923.1211 of the Revised Code. 1105

(g) Except as otherwise provided in division (D) (1) (e) of 1106
this section, the applicant, within five years of the date of 1107
the application, has not been convicted of, pleaded guilty to, 1108
or adjudicated a delinquent child for committing two or more 1109
violations of section 2903.13 or 2903.14 of the Revised Code. 1110

(h) Except as otherwise provided in division (D) (4) or (5) 1111
of this section, the applicant, within ten years of the date of 1112
the application, has not been convicted of, pleaded guilty to, 1113
or adjudicated a delinquent child for committing a violation of 1114
section 2921.33 of the Revised Code. 1115

(i) The applicant has not been adjudicated as a mental 1116
defective, has not been committed to any mental institution, is 1117
not under adjudication of mental incompetence, has not been 1118

found by a court to be a mentally ill person subject to court 1119
order, and is not an involuntary patient other than one who is a 1120
patient only for purposes of observation. As used in this 1121
division, "mentally ill person subject to court order" and 1122
"patient" have the same meanings as in section 5122.01 of the 1123
Revised Code. 1124

(j) The applicant is not currently subject to a civil 1125
protection order, a temporary protection order, an extreme risk 1126
protection order issued under sections 2923.26 to 2923.30 of the 1127
Revised Code, or a protection order issued by a court of another 1128
state. 1129

(k) The applicant certifies that the applicant desires a 1130
legal means to carry a concealed handgun for defense of the 1131
applicant or a member of the applicant's family while engaged in 1132
lawful activity. 1133

(l) The applicant submits a competency certification of 1134
the type described in division (B) (3) of this section and 1135
submits a certification of the type described in division (B) (4) 1136
of this section regarding the applicant's reading of the 1137
pamphlet prepared by the Ohio peace officer training commission 1138
pursuant to section 109.731 of the Revised Code. 1139

(m) The applicant currently is not subject to a suspension 1140
imposed under division (A) (2) of section 2923.128 of the Revised 1141
Code of a concealed handgun license that previously was issued 1142
to the applicant under this section or section 2923.1213 of the 1143
Revised Code or a similar suspension imposed by another state 1144
regarding a concealed handgun license issued by that state. 1145

(n) If the applicant resides in another state, the 1146
applicant is employed in this state. 1147

(o) The applicant certifies that the applicant is not an 1148
unlawful user of or addicted to any controlled substance as 1149
defined in 21 U.S.C. 802. 1150

(p) If the applicant is not a United States citizen, the 1151
applicant is an alien and has not been admitted to the United 1152
States under a nonimmigrant visa, as defined in the "Immigration 1153
and Nationality Act," 8 U.S.C. 1101(a)(26). 1154

(q) The applicant has not been discharged from the armed 1155
forces of the United States under dishonorable conditions. 1156

(r) The applicant certifies that the applicant has not 1157
renounced the applicant's United States citizenship, if 1158
applicable. 1159

(s) The applicant has not been convicted of, pleaded 1160
guilty to, or adjudicated a delinquent child for committing a 1161
violation of section 2919.25 of the Revised Code or a similar 1162
violation in another state. 1163

(2) (a) A concealed handgun license that a sheriff issues 1164
under division (D)(1) of this section shall expire five years 1165
after the date of issuance. 1166

If a sheriff issues a license under this section, the 1167
sheriff shall place on the license a unique combination of 1168
letters and numbers identifying the license in accordance with 1169
the procedure prescribed by the Ohio peace officer training 1170
commission pursuant to section 109.731 of the Revised Code. 1171

(b) If a sheriff denies an application under this section 1172
because the applicant does not satisfy the criteria described in 1173
division (D)(1) of this section, the sheriff shall specify the 1174
grounds for the denial in a written notice to the applicant. The 1175
applicant may appeal the denial pursuant to section 119.12 of 1176

the Revised Code in the county served by the sheriff who denied 1177
the application. If the denial was as a result of the criminal 1178
records check conducted pursuant to section 311.41 of the 1179
Revised Code and if, pursuant to section 2923.127 of the Revised 1180
Code, the applicant challenges the criminal records check 1181
results using the appropriate challenge and review procedure 1182
specified in that section, the time for filing the appeal 1183
pursuant to section 119.12 of the Revised Code and this division 1184
is tolled during the pendency of the request or the challenge 1185
and review. 1186

(c) If the court in an appeal under section 119.12 of the 1187
Revised Code and division (D) (2) (b) of this section enters a 1188
judgment sustaining the sheriff's refusal to grant to the 1189
applicant a concealed handgun license, the applicant may file a 1190
new application beginning one year after the judgment is 1191
entered. If the court enters a judgment in favor of the 1192
applicant, that judgment shall not restrict the authority of a 1193
sheriff to suspend or revoke the license pursuant to section 1194
2923.128 or 2923.1213 of the Revised Code or to refuse to renew 1195
the license for any proper cause that may occur after the date 1196
the judgment is entered. In the appeal, the court shall have 1197
full power to dispose of all costs. 1198

(3) If the sheriff with whom an application for a 1199
concealed handgun license was filed under this section becomes 1200
aware that the applicant has been arrested for or otherwise 1201
charged with an offense that would disqualify the applicant from 1202
holding the license, the sheriff shall suspend the processing of 1203
the application until the disposition of the case arising from 1204
the arrest or charge. 1205

(4) If an applicant has been convicted of or pleaded 1206

guilty to an offense identified in division (D) (1) (e), (f), or 1207
(h) of this section or has been adjudicated a delinquent child 1208
for committing an act or violation identified in any of those 1209
divisions, and if a court has ordered the sealing or expungement 1210
of the records of that conviction, guilty plea, or adjudication 1211
pursuant to sections 2151.355 to 2151.358, sections 2953.31 to 1212
2953.36, or section 2953.37 of the Revised Code or the applicant 1213
has been relieved under operation of law or legal process from 1214
the disability imposed pursuant to section 2923.13 of the 1215
Revised Code relative to that conviction, guilty plea, or 1216
adjudication, the sheriff with whom the application was 1217
submitted shall not consider the conviction, guilty plea, or 1218
adjudication in making a determination under division (D) (1) or 1219
(F) of this section or, in relation to an application for a 1220
concealed handgun license on a temporary emergency basis 1221
submitted under section 2923.1213 of the Revised Code, in making 1222
a determination under division (B) (2) of that section. 1223

(5) If an applicant has been convicted of or pleaded 1224
guilty to a minor misdemeanor offense or has been adjudicated a 1225
delinquent child for committing an act or violation that is a 1226
minor misdemeanor offense, the sheriff with whom the application 1227
was submitted shall not consider the conviction, guilty plea, or 1228
adjudication in making a determination under division (D) (1) or 1229
(F) of this section or, in relation to an application for a 1230
concealed handgun license on a temporary basis submitted under 1231
section 2923.1213 of the Revised Code, in making a determination 1232
under division (B) (2) of that section. 1233

(E) If a concealed handgun license issued under this 1234
section is lost or is destroyed, the licensee may obtain from 1235
the sheriff who issued that license a duplicate license upon the 1236
payment of a fee of fifteen dollars and the submission of an 1237

affidavit attesting to the loss or destruction of the license. 1238
The sheriff, in accordance with the procedures prescribed in 1239
section 109.731 of the Revised Code, shall place on the 1240
replacement license a combination of identifying numbers 1241
different from the combination on the license that is being 1242
replaced. 1243

(F) (1) (a) Except as provided in division (F) (1) (b) of this 1244
section, a licensee who wishes to renew a concealed handgun 1245
license issued under this section may do so at any time before 1246
the expiration date of the license or at any time after the 1247
expiration date of the license by filing with the sheriff of the 1248
county in which the applicant resides or with the sheriff of an 1249
adjacent county, or in the case of an applicant who resides in 1250
another state with the sheriff of the county that issued the 1251
applicant's previous concealed handgun license an application 1252
for renewal of the license obtained pursuant to division (D) of 1253
this section, a certification by the applicant that, subsequent 1254
to the issuance of the license, the applicant has reread the 1255
pamphlet prepared by the Ohio peace officer training commission 1256
pursuant to section 109.731 of the Revised Code that reviews 1257
firearms, dispute resolution, and use of deadly force matters, 1258
and a nonrefundable license renewal fee in an amount determined 1259
pursuant to division (F) (4) of this section unless the fee is 1260
waived. 1261

(b) A person on active duty in the armed forces of the 1262
United States or in service with the peace corps, volunteers in 1263
service to America, or the foreign service of the United States 1264
is exempt from the license requirements of this section for the 1265
period of the person's active duty or service and for six months 1266
thereafter, provided the person was a licensee under this 1267
section at the time the person commenced the person's active 1268

duty or service or had obtained a license while on active duty 1269
or service. The spouse or a dependent of any such person on 1270
active duty or in service also is exempt from the license 1271
requirements of this section for the period of the person's 1272
active duty or service and for six months thereafter, provided 1273
the spouse or dependent was a licensee under this section at the 1274
time the person commenced the active duty or service or had 1275
obtained a license while the person was on active duty or 1276
service, and provided further that the person's active duty or 1277
service resulted in the spouse or dependent relocating outside 1278
of this state during the period of the active duty or service. 1279
This division does not prevent such a person or the person's 1280
spouse or dependent from making an application for the renewal 1281
of a concealed handgun license during the period of the person's 1282
active duty or service. 1283

(2) A sheriff shall accept a completed renewal 1284
application, the license renewal fee, and the information 1285
specified in division (F) (1) of this section at the times and in 1286
the manners described in division (I) of this section. Upon 1287
receipt of a completed renewal application, of certification 1288
that the applicant has reread the specified pamphlet prepared by 1289
the Ohio peace officer training commission, and of a license 1290
renewal fee unless the fee is waived, a sheriff, in the manner 1291
specified in section 311.41 of the Revised Code shall conduct or 1292
cause to be conducted the criminal records check and the 1293
incompetency records check described in section 311.41 of the 1294
Revised Code. The sheriff shall renew the license if the sheriff 1295
determines that the applicant continues to satisfy the 1296
requirements described in division (D) (1) of this section, 1297
except that the applicant is not required to meet the 1298
requirements of division (D) (1) (1) of this section. A renewed 1299

license shall expire five years after the date of issuance. A 1300
renewed license is subject to division (E) of this section and 1301
sections 2923.126 and 2923.128 of the Revised Code. A sheriff 1302
shall comply with divisions (D) (2) and (3) of this section when 1303
the circumstances described in those divisions apply to a 1304
requested license renewal. If a sheriff denies the renewal of a 1305
concealed handgun license, the applicant may appeal the denial, 1306
or challenge the criminal record check results that were the 1307
basis of the denial if applicable, in the same manner as 1308
specified in division (D) (2) (b) of this section and in section 1309
2923.127 of the Revised Code, regarding the denial of a license 1310
under this section. 1311

(3) A renewal application submitted pursuant to division 1312
(F) of this section shall only require the licensee to list on 1313
the application form information and matters occurring since the 1314
date of the licensee's last application for a license pursuant 1315
to division (B) or (F) of this section. A sheriff conducting the 1316
criminal records check and the incompetency records check 1317
described in section 311.41 of the Revised Code shall conduct 1318
the check only from the date of the licensee's last application 1319
for a license pursuant to division (B) or (F) of this section 1320
through the date of the renewal application submitted pursuant 1321
to division (F) of this section. 1322

(4) An applicant for a renewal concealed handgun license 1323
under this section shall submit to the sheriff of the county in 1324
which the applicant resides or to the sheriff of any county 1325
adjacent to the county in which the applicant resides, or in the 1326
case of an applicant who resides in another state to the sheriff 1327
of the county that issued the applicant's previous concealed 1328
handgun license, a nonrefundable license fee as described in 1329
either of the following: 1330

(a) For an applicant who has been a resident of this state 1331
for five or more years, a fee of fifty dollars; 1332

(b) For an applicant who has been a resident of this state 1333
for less than five years or who is not a resident of this state 1334
but who is employed in this state, a fee of fifty dollars plus 1335
the actual cost of having a background check performed by the 1336
federal bureau of investigation. 1337

(5) The concealed handgun license of a licensee who is no 1338
longer a resident of this state or no longer employed in this 1339
state, as applicable, is valid until the date of expiration on 1340
the license, and the licensee is prohibited from renewing the 1341
concealed handgun license. 1342

(G) (1) Each course, class, or program described in 1343
division (B) (3) (a), (b), (c), or (e) of this section shall 1344
provide to each person who takes the course, class, or program 1345
the web site address at which the pamphlet prepared by the Ohio 1346
peace officer training commission pursuant to section 109.731 of 1347
the Revised Code that reviews firearms, dispute resolution, and 1348
use of deadly force matters may be found. Each such course, 1349
class, or program described in one of those divisions shall 1350
include at least eight hours of training in the safe handling 1351
and use of a firearm that shall include training, provided as 1352
described in division (G) (3) of this section, on all of the 1353
following: 1354

(a) The ability to name, explain, and demonstrate the 1355
rules for safe handling of a handgun and proper storage 1356
practices for handguns and ammunition; 1357

(b) The ability to demonstrate and explain how to handle 1358
ammunition in a safe manner; 1359

(c) The ability to demonstrate the knowledge, skills, and attitude necessary to shoot a handgun in a safe manner; 1360
1361

(d) Gun handling training; 1362

(e) A minimum of two hours of in-person training that consists of range time and live-fire training. 1363
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(2) To satisfactorily complete the course, class, or program described in division (B) (3) (a), (b), (c), or (e) of this section, the applicant shall pass a competency examination that shall include both of the following: 1365
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(a) A written section, provided as described in division (G) (3) of this section, on the ability to name and explain the rules for the safe handling of a handgun and proper storage practices for handguns and ammunition; 1369
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1371
1372

(b) An in-person physical demonstration of competence in the use of a handgun and in the rules for safe handling and storage of a handgun and a physical demonstration of the attitude necessary to shoot a handgun in a safe manner. 1373
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(3) (a) Except as otherwise provided in this division, the training specified in division (G) (1) (a) of this section shall be provided to the person receiving the training in person by an instructor. If the training specified in division (G) (1) (a) of this section is provided by a course, class, or program described in division (B) (3) (a) of this section, or it is provided by a course, class, or program described in division (B) (3) (b), (c), or (e) of this section and the instructor is a qualified instructor certified by a national gun advocacy organization, the training so specified, other than the training that requires the person receiving the training to demonstrate handling abilities, may be provided online or as a combination 1377
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of in-person and online training, as long as the online training 1389
includes an interactive component that regularly engages the 1390
person. 1391

(b) Except as otherwise provided in this division, the 1392
written section of the competency examination specified in 1393
division (G) (2) (a) of this section shall be administered to the 1394
person taking the competency examination in person by an 1395
instructor. If the training specified in division (G) (1) (a) of 1396
this section is provided to the person receiving the training by 1397
a course, class, or program described in division (B) (3) (a) of 1398
this section, or it is provided by a course, class, or program 1399
described in division (B) (3) (b), (c), or (e) of this section and 1400
the instructor is a qualified instructor certified by a national 1401
gun advocacy organization, the written section of the competency 1402
examination specified in division (G) (2) (a) of this section may 1403
be administered online, as long as the online training includes 1404
an interactive component that regularly engages the person. 1405

(4) The competency certification described in division (B) 1406
(3) (a), (b), (c), or (e) of this section shall be dated and 1407
shall attest that the course, class, or program the applicant 1408
successfully completed met the requirements described in 1409
division (G) (1) of this section and that the applicant passed 1410
the competency examination described in division (G) (2) of this 1411
section. 1412

(H) Upon deciding to issue a concealed handgun license, 1413
deciding to issue a replacement concealed handgun license, or 1414
deciding to renew a concealed handgun license pursuant to this 1415
section, and before actually issuing or renewing the license, 1416
the sheriff shall make available through the law enforcement 1417
automated data system all information contained on the license. 1418

If the license subsequently is suspended under division (A) (1) 1419
or (2) of section 2923.128 of the Revised Code, revoked pursuant 1420
to division (B) (1) of section 2923.128 of the Revised Code, or 1421
lost or destroyed, the sheriff also shall make available through 1422
the law enforcement automated data system a notation of that 1423
fact. The superintendent of the state highway patrol shall 1424
ensure that the law enforcement automated data system is so 1425
configured as to permit the transmission through the system of 1426
the information specified in this division. 1427

(I) (1) A sheriff shall accept a completed application form 1428
or renewal application, and the fee, items, materials, and 1429
information specified in divisions (B) (1) to (5) or division (F) 1430
of this section, whichever is applicable, and shall provide an 1431
application form or renewal application to any person during at 1432
least fifteen hours a week and shall provide the web site 1433
address at which a printable version of the application form 1434
that can be downloaded and the pamphlet described in division 1435
(B) of section 109.731 of the Revised Code may be found at any 1436
time, upon request. The sheriff shall post notice of the hours 1437
during which the sheriff is available to accept or provide the 1438
information described in this division. 1439

(2) A sheriff shall transmit a notice to the attorney 1440
general, in a manner determined by the attorney general, every 1441
time a license is issued that waived payment under division (B) 1442
(1) (c) of this section for an applicant who is an active or 1443
reserve member of the armed forces of the United States or has 1444
retired from or was honorably discharged from military service 1445
in the active or reserve armed forces of the United States. The 1446
attorney general shall monitor and inform sheriffs issuing 1447
licenses under this section when the amount of license fee 1448
payments waived and transmitted to the attorney general reach 1449

one million five hundred thousand dollars each year. Once a 1450
sheriff is informed that the payments waived reached one million 1451
five hundred thousand dollars in any year, a sheriff shall no 1452
longer waive payment of a license fee for an applicant who is an 1453
active or reserve member of the armed forces of the United 1454
States or has retired from or was honorably discharged from 1455
military service in the active or reserve armed forces of the 1456
United States for the remainder of that year. 1457

Sec. 2923.128. (A) (1) (a) If a licensee holding a valid 1458
concealed handgun license is arrested for or otherwise charged 1459
with an offense described in division (D) (1) (d) of section 1460
2923.125 of the Revised Code or with a violation of section 1461
2923.15 of the Revised Code or becomes subject to a temporary 1462
protection order or to a protection order issued by a court of 1463
another state that is substantially equivalent to a temporary 1464
protection order, the sheriff who issued the license shall 1465
suspend it and shall comply with division (A) (3) of this section 1466
upon becoming aware of the arrest, charge, or protection order. 1467
Upon suspending the license, the sheriff also shall comply with 1468
division (H) of section 2923.125 of the Revised Code. 1469

(b) A suspension under division (A) (1) (a) of this section 1470
shall be considered as beginning on the date that the licensee 1471
is arrested for or otherwise charged with an offense described 1472
in that division or on the date the appropriate court issued the 1473
protection order described in that division, irrespective of 1474
when the sheriff notifies the licensee under division (A) (3) of 1475
this section. The suspension shall end on the date on which the 1476
charges are dismissed or the licensee is found not guilty of the 1477
offense described in division (A) (1) (a) of this section or, 1478
subject to division (B) of this section, on the date the 1479
appropriate court terminates the protection order described in 1480

that division. If the suspension so ends, the sheriff shall 1481
return the license or temporary emergency license to the 1482
licensee. 1483

(2) (a) If a licensee holding a valid concealed handgun 1484
license is convicted of or pleads guilty to a misdemeanor 1485
violation of division (B) (2) or (4) of section 2923.12 of the 1486
Revised Code or of division (E) (3) or (5) of section 2923.16 of 1487
the Revised Code, subject to division (C) of this section, the 1488
sheriff who issued the license shall suspend it and shall comply 1489
with division (A) (3) of this section upon becoming aware of the 1490
conviction or guilty plea. Upon suspending the license, the 1491
sheriff also shall comply with division (H) of section 2923.125 1492
of the Revised Code. 1493

(b) A suspension under division (A) (2) (a) of this section 1494
shall be considered as beginning on the date that the licensee 1495
is convicted of or pleads guilty to the offense described in 1496
that division, irrespective of when the sheriff notifies the 1497
licensee under division (A) (3) of this section. If the 1498
suspension is imposed for a misdemeanor violation of division 1499
(B) (2) of section 2923.12 of the Revised Code or of division (E) 1500
(3) of section 2923.16 of the Revised Code, it shall end on the 1501
date that is one year after the date that the licensee is 1502
convicted of or pleads guilty to that violation. If the 1503
suspension is imposed for a misdemeanor violation of division 1504
(B) (4) of section 2923.12 of the Revised Code or of division (E) 1505
(5) of section 2923.16 of the Revised Code, it shall end on the 1506
date that is two years after the date that the licensee is 1507
convicted of or pleads guilty to that violation. If the 1508
licensee's license was issued under section 2923.125 of the 1509
Revised Code and the license remains valid after the suspension 1510
ends as described in this division, when the suspension ends, 1511

the sheriff shall return the license to the licensee. If the 1512
licensee's license was issued under section 2923.125 of the 1513
Revised Code and the license expires before the suspension ends 1514
as described in this division, or if the licensee's license was 1515
issued under section 2923.1213 of the Revised Code, the licensee 1516
is not eligible to apply for a new license under section 1517
2923.125 or 2923.1213 of the Revised Code or to renew the 1518
license under section 2923.125 of the Revised Code until after 1519
the suspension ends as described in this division. 1520

(3) Upon becoming aware of an arrest, charge, or 1521
protection order described in division (A)(1)(a) of this section 1522
with respect to a licensee who was issued a concealed handgun 1523
license, or a conviction of or plea of guilty to a misdemeanor 1524
offense described in division (A)(2)(a) of this section with 1525
respect to a licensee who was issued a concealed handgun 1526
license, subject to division (C) of this section, the sheriff 1527
who issued the licensee's license shall notify the licensee, by 1528
certified mail, return receipt requested, at the licensee's last 1529
known residence address that the license has been suspended and 1530
that the licensee is required to surrender the license at the 1531
sheriff's office within ten days of the date on which the notice 1532
was mailed. If the suspension is pursuant to division (A)(2) of 1533
this section, the notice shall identify the date on which the 1534
suspension ends. 1535

(B)(1) A sheriff who issues a concealed handgun license to 1536
a licensee shall revoke the license in accordance with division 1537
(B)(2) of this section upon becoming aware that the licensee 1538
satisfies any of the following: 1539

(a) The licensee is under twenty-one years of age. 1540

(b) Subject to division (C) of this section, at the time 1541

of the issuance of the license, the licensee did not satisfy the 1542
eligibility requirements of division (D) (1) (c), (d), (e), (f), 1543
(g), or (h) of section 2923.125 of the Revised Code. 1544

(c) Subject to division (C) of this section, on or after 1545
the date on which the license was issued, the licensee is 1546
convicted of or pleads guilty to a violation of section 2923.15 1547
of the Revised Code or an offense described in division (D) (1) 1548
(e), (f), (g), or (h) of section 2923.125 of the Revised Code. 1549

(d) On or after the date on which the license was issued, 1550
the licensee becomes subject to an extreme risk protection order 1551
issued under sections 2923.26 to 2923.30 of the Revised Code, a 1552
civil protection order, or to a protection order issued by a 1553
court of another state that is substantially equivalent to a 1554
civil protection order. 1555

(e) The licensee knowingly carries a concealed handgun 1556
into a place that the licensee knows is an unauthorized place 1557
specified in division (B) of section 2923.126 of the Revised 1558
Code. 1559

(f) On or after the date on which the license was issued, 1560
the licensee is adjudicated as a mental defective or is 1561
committed to a mental institution. 1562

(g) At the time of the issuance of the license, the 1563
licensee did not meet the residency requirements described in 1564
division (D) (1) of section 2923.125 of the Revised Code and 1565
currently does not meet the residency requirements described in 1566
that division. 1567

(h) Regarding a license issued under section 2923.125 of 1568
the Revised Code, the competency certificate the licensee 1569
submitted was forged or otherwise was fraudulent. 1570

(2) Upon becoming aware of any circumstance listed in 1571
division (B)(1) of this section that applies to a particular 1572
licensee who was issued a concealed handgun license, subject to 1573
division (C) of this section, the sheriff who issued the license 1574
to the licensee shall notify the licensee, by certified mail, 1575
return receipt requested, at the licensee's last known residence 1576
address that the license is subject to revocation and that the 1577
licensee may come to the sheriff's office and contest the 1578
sheriff's proposed revocation within fourteen days of the date 1579
on which the notice was mailed. After the fourteen-day period 1580
and after consideration of any information that the licensee 1581
provides during that period, if the sheriff determines on the 1582
basis of the information of which the sheriff is aware that the 1583
licensee is described in division (B)(1) of this section and no 1584
longer satisfies the requirements described in division (D)(1) 1585
of section 2923.125 of the Revised Code that are applicable to 1586
the licensee's type of license, the sheriff shall revoke the 1587
license, notify the licensee of that fact, and require the 1588
licensee to surrender the license. Upon revoking the license, 1589
the sheriff also shall comply with division (H) of section 1590
2923.125 of the Revised Code. 1591

(C) If a sheriff who issues a concealed handgun license to 1592
a licensee becomes aware that at the time of the issuance of the 1593
license the licensee had been convicted of or pleaded guilty to 1594
an offense identified in division (D)(1)(e), (f), or (h) of 1595
section 2923.125 of the Revised Code or had been adjudicated a 1596
delinquent child for committing an act or violation identified 1597
in any of those divisions or becomes aware that on or after the 1598
date on which the license was issued the licensee has been 1599
convicted of or pleaded guilty to an offense identified in 1600
division (A)(2)(a) or (B)(1)(c) of this section, the sheriff 1601

shall not consider that conviction, guilty plea, or adjudication 1602
as having occurred for purposes of divisions (A) (2), (A) (3), (B) 1603
(1), and (B) (2) of this section if a court has ordered the 1604
sealing or expungement of the records of that conviction, guilty 1605
plea, or adjudication pursuant to sections 2151.355 to 2151.358 1606
or sections 2953.31 to 2953.36 of the Revised Code or the 1607
licensee has been relieved under operation of law or legal 1608
process from the disability imposed pursuant to section 2923.13 1609
of the Revised Code relative to that conviction, guilty plea, or 1610
adjudication. 1611

(D) As used in this section, "motor carrier enforcement 1612
unit" has the same meaning as in section 2923.16 of the Revised 1613
Code. 1614

Sec. 2923.1213. (A) As used in this section: 1615

(1) "Evidence of imminent danger" means any of the 1616
following: 1617

(a) A statement sworn by the person seeking to carry a 1618
concealed handgun that is made under threat of perjury and that 1619
states that the person has reasonable cause to fear a criminal 1620
attack upon the person or a member of the person's family, such 1621
as would justify a prudent person in going armed; 1622

(b) A written document prepared by a governmental entity 1623
or public official describing the facts that give the person 1624
seeking to carry a concealed handgun reasonable cause to fear a 1625
criminal attack upon the person or a member of the person's 1626
family, such as would justify a prudent person in going armed. 1627
Written documents of this nature include, but are not limited 1628
to, any temporary protection order, civil protection order, 1629
protection order issued by another state, or other court order, 1630

any court report, and any report filed with or made by a law enforcement agency or prosecutor.

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

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

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

(b) A sworn affidavit that contains all of the information required to be on the license and attesting that the person is legally living in the United States; is at least twenty-one years of age; is not a fugitive from justice; is not under indictment for or otherwise charged with an offense identified in division (D) (1) (d) of section 2923.125 of the Revised Code; has not been convicted of or pleaded guilty to an offense, and has not been adjudicated a delinquent child for committing an act, identified in division (D) (1) (e) of that section and to which division (B) (3) of this section does not apply; within three years of the date of the submission, has not been convicted of or pleaded guilty to an offense, and has not been adjudicated a delinquent child for committing an act, identified in division (D) (1) (f) of that section and to which division (B) (3) of this section does not apply; within five years of the date of the submission, has not been convicted of, pleaded guilty, or adjudicated a delinquent child for committing two or more violations identified in division (D) (1) (g) of that section; within ten years of the date of the submission, has not

been convicted of, pleaded guilty, or adjudicated a delinquent 1661
child for committing a violation identified in division (D) (1) 1662
(h) of that section and to which division (B) (3) of this section 1663
does not apply; has not been adjudicated as a mental defective, 1664
has not been committed to any mental institution, is not under 1665
adjudication of mental incompetence, has not been found by a 1666
court to be a mentally ill person subject to court order, and is 1667
not an involuntary patient other than one who is a patient only 1668
for purposes of observation, as described in division (D) (1) (i) 1669
of that section; is not currently subject to a civil protection 1670
order, a temporary protection order, an extreme risk protection 1671
order issued under sections 2923.26 to 2923.30 of the Revised 1672
Code, or a protection order issued by a court of another state, 1673
as described in division (D) (1) (j) of that section; is not 1674
currently subject to a suspension imposed under division (A) (2) 1675
of section 2923.128 of the Revised Code of a concealed handgun 1676
license that previously was issued to the person or a similar 1677
suspension imposed by another state regarding a concealed 1678
handgun license issued by that state; is not an unlawful user of 1679
or addicted to any controlled substance as defined in 21 U.S.C. 1680
802; if applicable, is an alien and has not been admitted to the 1681
United States under a nonimmigrant visa, as defined in the 1682
"Immigration and Nationality Act," 8 U.S.C. 1101(a) (26); has not 1683
been discharged from the armed forces of the United States under 1684
dishonorable conditions; if applicable, has not renounced the 1685
applicant's United States citizenship; and has not been 1686
convicted of, pleaded guilty to, or been adjudicated a 1687
delinquent child for committing a violation identified in 1688
division (D) (1) (s) of section 2923.125 of the Revised Code; 1689

(c) A nonrefundable temporary emergency license fee as 1690
described in either of the following: 1691

(i) For an applicant who has been a resident of this state 1692
for five or more years, a fee of fifteen dollars plus the actual 1693
cost of having a background check performed by the bureau of 1694
criminal identification and investigation pursuant to section 1695
311.41 of the Revised Code; 1696

(ii) For an applicant who has been a resident of this 1697
state for less than five years or who is not a resident of this 1698
state, but is temporarily staying in this state, a fee of 1699
fifteen dollars plus the actual cost of having background checks 1700
performed by the federal bureau of investigation and the bureau 1701
of criminal identification and investigation pursuant to section 1702
311.41 of the Revised Code. 1703

(d) A set of fingerprints of the applicant provided as 1704
described in section 311.41 of the Revised Code through use of 1705
an electronic fingerprint reading device or, if the sheriff to 1706
whom the application is submitted does not possess and does not 1707
have ready access to the use of an electronic fingerprint 1708
reading device, on a standard impression sheet prescribed 1709
pursuant to division (C) (2) of section 109.572 of the Revised 1710
Code. If the fingerprints are provided on a standard impression 1711
sheet, the person also shall provide the person's social 1712
security number to the sheriff. 1713

(2) A sheriff shall accept the evidence of imminent 1714
danger, the sworn affidavit, the fee, and the set of 1715
fingerprints required under division (B) (1) of this section at 1716
the times and in the manners described in division (I) of this 1717
section. Upon receipt of the evidence of imminent danger, the 1718
sworn affidavit, the fee, and the set of fingerprints required 1719
under division (B) (1) of this section, the sheriff, in the 1720
manner specified in section 311.41 of the Revised Code, 1721

immediately shall conduct or cause to be conducted the criminal 1722
records check and the incompetency records check described in 1723
section 311.41 of the Revised Code. Immediately upon receipt of 1724
the results of the records checks, the sheriff shall review the 1725
information and shall determine whether the criteria set forth 1726
in divisions (D) (1) (a) to (j) and (m) to (s) of section 2923.125 1727
of the Revised Code apply regarding the person. If the sheriff 1728
determines that all of the criteria set forth in divisions (D) 1729
(1) (a) to (j) and (m) to (s) of section 2923.125 of the Revised 1730
Code apply regarding the person, the sheriff shall immediately 1731
make available through the law enforcement automated data system 1732
all information that will be contained on the temporary 1733
emergency license for the person if one is issued, and the 1734
superintendent of the state highway patrol shall ensure that the 1735
system is so configured as to permit the transmission through 1736
the system of that information. Upon making that information 1737
available through the law enforcement automated data system, the 1738
sheriff shall immediately issue to the person a concealed 1739
handgun license on a temporary emergency basis. 1740

If the sheriff denies the issuance of a license on a 1741
temporary emergency basis to the person, the sheriff shall 1742
specify the grounds for the denial in a written notice to the 1743
person. The person may appeal the denial, or challenge criminal 1744
records check results that were the basis of the denial if 1745
applicable, in the same manners specified in division (D) (2) of 1746
section 2923.125 and in section 2923.127 of the Revised Code, 1747
regarding the denial of an application for a concealed handgun 1748
license under that section. 1749

The license on a temporary emergency basis issued under 1750
this division shall be in the form, and shall include all of the 1751
information, described in divisions (A) (2) (a) and (d) of section 1752

109.731 of the Revised Code, and also shall include a unique 1753
combination of identifying letters and numbers in accordance 1754
with division (A) (2) (c) of that section. 1755

The license on a temporary emergency basis issued under 1756
this division is valid for ninety days and may not be renewed. A 1757
person who has been issued a license on a temporary emergency 1758
basis under this division shall not be issued another license on 1759
a temporary emergency basis unless at least four years has 1760
expired since the issuance of the prior license on a temporary 1761
emergency basis. 1762

(3) If a person seeking a concealed handgun license on a 1763
temporary emergency basis has been convicted of or pleaded 1764
guilty to an offense identified in division (D) (1) (e), (f), or 1765
(h) of section 2923.125 of the Revised Code or has been 1766
adjudicated a delinquent child for committing an act or 1767
violation identified in any of those divisions, and if a court 1768
has ordered the sealing or expungement of the records of that 1769
conviction, guilty plea, or adjudication pursuant to sections 1770
2151.355 to 2151.358 or sections 2953.31 to 2953.36 of the 1771
Revised Code or the applicant has been relieved under operation 1772
of law or legal process from the disability imposed pursuant to 1773
section 2923.13 of the Revised Code relative to that conviction, 1774
guilty plea, or adjudication, the conviction, guilty plea, or 1775
adjudication shall not be relevant for purposes of the sworn 1776
affidavit described in division (B) (1) (b) of this section, and 1777
the person may complete, and swear to the truth of, the 1778
affidavit as if the conviction, guilty plea, or adjudication 1779
never had occurred. 1780

(4) The sheriff shall waive the payment pursuant to 1781
division (B) (1) (c) of this section of the license fee in 1782

connection with an application that is submitted by an applicant 1783
who is a retired peace officer, a retired person described in 1784
division (B) (1) (b) of section 109.77 of the Revised Code, or a 1785
retired federal law enforcement officer who, prior to 1786
retirement, was authorized under federal law to carry a firearm 1787
in the course of duty, unless the retired peace officer, person, 1788
or federal law enforcement officer retired as the result of a 1789
mental disability. 1790

The sheriff shall deposit all fees paid by an applicant 1791
under division (B) (1) (c) of this section into the sheriff's 1792
concealed handgun license issuance fund established pursuant to 1793
section 311.42 of the Revised Code. 1794

(C) A person who holds a concealed handgun license on a 1795
temporary emergency basis has the same right to carry a 1796
concealed handgun as a person who was issued a concealed handgun 1797
license under section 2923.125 of the Revised Code, and any 1798
exceptions to the prohibitions contained in section 1547.69 and 1799
sections 2923.12 to 2923.16 of the Revised Code for a licensee 1800
under section 2923.125 of the Revised Code apply to a licensee 1801
under this section. The person is subject to the same 1802
restrictions, and to all other procedures, duties, and 1803
sanctions, that apply to a person who carries a license issued 1804
under section 2923.125 of the Revised Code, other than the 1805
license renewal procedures set forth in that section. 1806

(D) A sheriff who issues a concealed handgun license on a 1807
temporary emergency basis under this section shall not require a 1808
person seeking to carry a concealed handgun in accordance with 1809
this section to submit a competency certificate as a 1810
prerequisite for issuing the license and shall comply with 1811
division (H) of section 2923.125 of the Revised Code in regards 1812

to the license. The sheriff shall suspend or revoke the license 1813
in accordance with section 2923.128 of the Revised Code. In 1814
addition to the suspension or revocation procedures set forth in 1815
section 2923.128 of the Revised Code, the sheriff may revoke the 1816
license upon receiving information, verifiable by public 1817
documents, that the person is not eligible to possess a firearm 1818
under either the laws of this state or of the United States or 1819
that the person committed perjury in obtaining the license; if 1820
the sheriff revokes a license under this additional authority, 1821
the sheriff shall notify the person, by certified mail, return 1822
receipt requested, at the person's last known residence address 1823
that the license has been revoked and that the person is 1824
required to surrender the license at the sheriff's office within 1825
ten days of the date on which the notice was mailed. Division 1826
(H) of section 2923.125 of the Revised Code applies regarding 1827
any suspension or revocation of a concealed handgun license on a 1828
temporary emergency basis. 1829

(E) A sheriff who issues a concealed handgun license on a 1830
temporary emergency basis under this section shall retain, for 1831
the entire period during which the license is in effect, the 1832
evidence of imminent danger that the person submitted to the 1833
sheriff and that was the basis for the license, or a copy of 1834
that evidence, as appropriate. 1835

(F) If a concealed handgun license on a temporary 1836
emergency basis issued under this section is lost or is 1837
destroyed, the licensee may obtain from the sheriff who issued 1838
that license a duplicate license upon the payment of a fee of 1839
fifteen dollars and the submission of an affidavit attesting to 1840
the loss or destruction of the license. The sheriff, in 1841
accordance with the procedures prescribed in section 109.731 of 1842
the Revised Code, shall place on the replacement license a 1843

combination of identifying numbers different from the 1844
combination on the license that is being replaced. 1845

(G) The attorney general shall prescribe, and shall make 1846
available to sheriffs, a standard form to be used under division 1847
(B) of this section by a person who applies for a concealed 1848
handgun license on a temporary emergency basis on the basis of 1849
imminent danger of a type described in division (A) (1) (a) of 1850
this section. The attorney general shall design the form to 1851
enable applicants to provide the information that is required by 1852
law to be collected, and shall update the form as necessary. 1853
Burdens or restrictions to obtaining a concealed handgun license 1854
that are not expressly prescribed in law shall not be 1855
incorporated into the form. The attorney general shall post a 1856
printable version of the form on the web site of the attorney 1857
general and shall provide the address of the web site to any 1858
person who requests the form. 1859

(H) A sheriff who receives any fees paid by a person under 1860
this section shall deposit all fees so paid into the sheriff's 1861
concealed handgun license issuance expense fund established 1862
under section 311.42 of the Revised Code. 1863

(I) A sheriff shall accept evidence of imminent danger, a 1864
sworn affidavit, the fee, and the set of fingerprints specified 1865
in division (B) (1) of this section at any time during normal 1866
business hours. In no case shall a sheriff require an 1867
appointment, or designate a specific period of time, for the 1868
submission or acceptance of evidence of imminent danger, a sworn 1869
affidavit, the fee, and the set of fingerprints specified in 1870
division (B) (1) of this section, or for the provision to any 1871
person of a standard form to be used for a person to apply for a 1872
concealed handgun license on a temporary emergency basis. 1873

Sec. 2923.13. (A) Unless relieved from disability under 1874
operation of law or legal process, no person shall knowingly 1875
acquire, have, carry, or use any firearm or dangerous ordnance, 1876
if any of the following apply: 1877

(1) The person is a fugitive from justice. 1878

(2) The person is under indictment for or has been 1879
convicted of any felony offense of violence or has been 1880
adjudicated a delinquent child for the commission of an offense 1881
that, if committed by an adult, would have been a felony offense 1882
of violence. 1883

(3) The person is under indictment for or has been 1884
convicted of any felony offense involving the illegal 1885
possession, use, sale, administration, distribution, or 1886
trafficking in any drug of abuse or has been adjudicated a 1887
delinquent child for the commission of an offense that, if 1888
committed by an adult, would have been a felony offense 1889
involving the illegal possession, use, sale, administration, 1890
distribution, or trafficking in any drug of abuse. 1891

(4) The person is drug dependent, in danger of drug 1892
dependence, or a chronic alcoholic. 1893

(5) The person is under adjudication of mental 1894
incompetence, has been adjudicated as a mental defective, has 1895
been committed to a mental institution, has been found by a 1896
court to be a mentally ill person subject to court order, or is 1897
an involuntary patient other than one who is a patient only for 1898
purposes of observation. ~~As used in this division, "mentally ill-~~ 1899
~~person subject to court order" and "patient" have the same~~ 1900
~~meanings as in section 5122.01 of the Revised Code.~~ 1901

(6) The person has been found guilty of having a firearm 1902

while under extreme risk protection order disability, and is 1903
prohibited from acquiring, having, carrying, or using a firearm 1904
under section 2923.99 of the Revised Code. 1905

(B) Whoever violates this section is guilty of having 1906
weapons while under disability, a felony of the third degree. 1907

(C) For the purposes of this section, ~~"under:~~ 1908

(1) "Under operation of law or legal process" shall not 1909
itself include mere completion, termination, or expiration of a 1910
sentence imposed as a result of a criminal conviction. 1911

(2) "Mentally ill person subject to court order" and 1912
"patient" have the same meanings as in section 5122.01 of the 1913
Revised Code. 1914

Sec. 2923.191. (A) (1) No person shall store or leave a 1915
firearm in a manner or location in the person's residence where 1916
the person knows or reasonably should know a minor is able to 1917
gain access to the firearm. 1918

(2) (a) This section does not apply to a person who stores 1919
or leaves a firearm in the person's residence if the firearm has 1920
been secured by placing it in a locked container or has been 1921
rendered temporarily inoperable by a tamper-resistant mechanical 1922
lock or other safety device. 1923

(b) This section does not apply to a person who stores or 1924
leaves a firearm in the person's residence if a minor gains 1925
access to the firearm as a result of any other person's unlawful 1926
entry into the person's residence. 1927

(c) This section does not apply to a person who stores or 1928
leaves a firearm in the person's residence if a minor gains 1929
access to the firearm and uses the firearm for the purpose of 1930

self-defense. 1931

(B) (1) Whoever violates this section is guilty of 1932
criminally negligent storage of a firearm if, without the lawful 1933
permission of the minor's parent, guardian, or custodian, a 1934
minor gains access to the firearm. 1935

(2) Except as provided in division (B) (3) or (4) of this 1936
section, a violation of this section is a misdemeanor of the 1937
third degree. 1938

(3) If the minor gains access to the firearm as a result 1939
of the violation and uses the firearm to cause serious physical 1940
harm, a violation of this section is a felony of the fourth 1941
degree. 1942

(4) If the minor gains access to the firearm as a result 1943
of the violation and uses the firearm to cause death, a 1944
violation of this section is a felony of the third degree. 1945

(C) Nothing in this section prohibits a person who is in 1946
the person's residence from carrying a firearm on the person's 1947
person or placing a firearm in a location that is under the 1948
person's immediate control. 1949

Sec. 2923.21. (A) No person shall do any of the following: 1950

~~(1) Sell any firearm to a person who is under eighteen~~ 1951
~~years of age;~~ 1952

~~(2) Subject to division (B) of this section, sell any~~ 1953
~~handgun firearm to a person who is under twenty-one years of~~ 1954
~~age;~~ 1955

~~(3) Furnish any firearm to a person who is under eighteen~~ 1956
~~years of age or, subject~~ (2) Subject to division (B) of this 1957
section, furnish any handgun firearm to a person who is under 1958

twenty-one years of age, except for lawful hunting, sporting, or 1959
educational purposes, including, but not limited to, instruction 1960
in firearms or handgun safety, care, handling, or marksmanship 1961
under the supervision or control of a responsible adult; 1962

~~(4) Sell or furnish a firearm to a person who is eighteen-~~ 1963
~~years of age or older if the seller or furnisher knows, or has~~ 1964
~~reason to know, that the person is purchasing or receiving the~~ 1965
~~firearm for the purpose of selling the firearm in violation of~~ 1966
~~division (A) (1) of this section to a person who is under~~ 1967
~~eighteen years of age or for the purpose of furnishing the~~ 1968
~~firearm in violation of division (A) (3) of this section to a~~ 1969
~~person who is under eighteen years of age;~~ 1970

~~(5)~~ (3) Sell or furnish a ~~handgun~~ firearm to a person who 1971
is twenty-one years of age or older if the seller or furnisher 1972
knows, or has reason to know, that the person is purchasing or 1973
receiving the ~~handgun~~ firearm for the purpose of selling the 1974
~~handgun~~ firearm in violation of division (A) ~~(2)~~ (1) of this 1975
section to a person who is under twenty-one years of age or for 1976
the purpose of furnishing the ~~handgun~~ firearm in violation of 1977
division (A) ~~(3)~~ (2) of this section to a person who is under 1978
twenty-one years of age; 1979

~~(6) Purchase or attempt to purchase any firearm with the~~ 1980
~~intent to sell the firearm in violation of division (A) (1) of~~ 1981
~~this section to a person who is under eighteen years of age or~~ 1982
~~with the intent to furnish the firearm in violation of division~~ 1983
~~(A) (3) of this section to a person who is under eighteen years~~ 1984
~~of age;~~ 1985

~~(7)~~ (4) Purchase or attempt to purchase any ~~handgun~~ 1986
firearm with the intent to sell the ~~handgun~~ firearm in violation 1987
of division (A) ~~(2)~~ (1) of this section to a person who is under 1988

twenty-one years of age or with the intent to furnish the 1989
~~handgun~~ firearm in violation of division (A) ~~(3)~~ (2) of this 1990
section to a person who is under twenty-one years of age. 1991

(B) Divisions (A) (1) and (2) of this section do not apply 1992
to the sale or furnishing of a ~~handgun~~ firearm to a person 1993
eighteen years of age or older and under twenty-one years of age 1994
if the person eighteen years of age or older and under twenty- 1995
one years of age is a law enforcement officer who is properly 1996
appointed or employed as a law enforcement officer and has 1997
received firearms training approved by the Ohio peace officer 1998
training council or equivalent firearms training. Divisions (A) 1999
(1) and (2) of this section do not apply to the sale or 2000
furnishing of a ~~handgun~~ firearm to an active duty member of the 2001
armed forces of the United States who has received firearms 2002
training that meets or exceeds the training requirements 2003
described in division (G) (1) of section 2923.125 of the Revised 2004
Code. 2005

(C) Whoever violates this section is guilty of improperly 2006
furnishing firearms to ~~a minor~~ an underage person, a felony of 2007
the ~~fifth~~ third degree. 2008

Sec. 2923.211. (A) No person under ~~eighteen~~ twenty-one 2009
years of age shall purchase or attempt to purchase a firearm- 2010

~~(B) No person under twenty one years of age shall purchase-~~ 2011
~~or attempt to purchase a handgun,~~ provided that this division 2012
does not apply to the purchase or attempted purchase of a 2013
~~handgun~~ firearm by a person eighteen years of age or older and 2014
under twenty-one years of age if either of the following apply: 2015

(1) The person is a law enforcement officer who is 2016
properly appointed or employed as a law enforcement officer and 2017

has received firearms training approved by the Ohio peace officer training council or equivalent firearms training.

(2) The person is an active or reserve member of the armed services of the United States or the Ohio national guard, or was honorably discharged from military service in the active or reserve armed services of the United States or the Ohio national guard, and the person has received firearms training from the armed services or the national guard or equivalent firearms training.

~~(C)~~ (B) Whoever violates division (A) of this section is guilty of underage purchase of a firearm. If the offender is under eighteen years of age, underage purchase of a firearm is a delinquent act that would be a felony of the fourth degree if it could be committed by an adult. ~~Whoever violates division (B) of this section is guilty of~~ If the offender is eighteen years of age or older but under twenty-one years of age, underage purchase of a handgun, firearm is a misdemeanor of the second degree.

Sec. 2923.251. (A) As used in this section:

(1) "Federally licensed firearms dealer" has the same meaning as in section 5502.63 of the Revised Code.

(2) "Unlicensed transferee" means a person who is not a federally licensed firearms dealer and who desires to receive a firearm from an unlicensed transferor.

(3) "Unlicensed transferor" means a person who is not a federally licensed firearms dealer and who desires to transfer a firearm to an unlicensed transferee.

(4) "Identification document" means a document made or issued by or under the authority of the United States

government, this state, or any other state, a political 2047
subdivision of this state or any other state, a sponsoring 2048
entity of an event designated as a special event of national 2049
significance, a foreign government, a political subdivision of a 2050
foreign government, an international governmental organization, 2051
or an international quasi-governmental organization that, when 2052
completed with information concerning a particular individual, 2053
is of a type intended or commonly accepted for the purpose of 2054
identification of individuals and that includes a photograph of 2055
the individual. 2056

(B) No federally licensed firearms dealer shall transfer a 2057
firearm to any person unless the federally licensed firearms 2058
dealer complies with the requirements of 18 U.S.C. 922(t) and at 2059
least seventy-two hours have elapsed since the person's request 2060
to purchase the firearm. 2061

(C) (1) No unlicensed transferor shall transfer a firearm 2062
to an unlicensed transferee, unless all of the following apply 2063
with respect to the transfer of the firearm: 2064

(a) The firearm is transferred through a federally 2065
licensed firearms dealer under division (E) of this section, 2066
through a law enforcement agency under division (F) of this 2067
section, or in accordance with an exception described in 2068
division (G) of this section. 2069

(b) Except as provided in division (G) of this section, 2070
the federally licensed firearms dealer through which the 2071
transfer is made under division (E) of this section gives a 2072
notice described in division (E) (3) (a) of this section, or the 2073
law enforcement agency through which the transfer is made under 2074
division (F) of this section gives a notice described in 2075
division (F) (5) (a) of this section, with respect to the firearm. 2076

(c) Except as provided in division (G) of this section, at 2077
least seventy-two hours have elapsed since the federally 2078
licensed firearms dealer's or law enforcement agency's initial 2079
agreement to assist in the transfer of the firearm. 2080

(2) No unlicensed firearms dealer shall transfer a firearm 2081
to an unlicensed transferee if the federally licensed firearms 2082
dealer through which the transfer is to be made under division 2083
(E) of this section gives a notice described in division (E) (3) 2084
(b) of this section, or the law enforcement agency through which 2085
the transfer is to be made under division (F) of this section 2086
gives a notice described in division (F) (5) (b) of this section, 2087
with respect to the firearm. 2088

(D) (1) No unlicensed transferee shall receive a firearm 2089
from an unlicensed transferor, unless all of the following apply 2090
with respect to the transfer of the firearm: 2091

(a) The firearm is transferred through a federally 2092
licensed firearms dealer under division (E) of this section, 2093
through a law enforcement agency under division (F) of this 2094
section, or in accordance with an exception described in 2095
division (G) of this section. 2096

(b) Except as provided in division (G) of this section, 2097
the federally licensed firearms dealer through which the 2098
transfer is made under division (E) of this section gives a 2099
notice described in division (E) (3) (a) of this section, or the 2100
law enforcement agency through which the transfer is made under 2101
division (F) of this section gives a notice described in 2102
division (F) (5) (a) of this section, with respect to the firearm. 2103

(c) Except as provided in division (G) of this section, at 2104
least seventy-two hours have elapsed since the federally 2105

licensed firearms dealer's or law enforcement agency's initial 2106
agreement to assist in the transfer of the firearm. 2107

(2) No unlicensed firearms transferee shall receive a 2108
firearm from an unlicensed transferor if the federally licensed 2109
firearms dealer through which the transfer is to be made under 2110
division (E) of this section gives a notice described in 2111
division (E) (3) (b) of this section, or the law enforcement 2112
agency through which the transfer is to be made under division 2113
(F) of this section gives a notice described in division (F) (5) 2114
(b) of this section, with respect to the firearm. 2115

(E) A federally licensed firearms dealer who agrees to 2116
assist in the transfer of a firearm between an unlicensed 2117
transferor and an unlicensed transferee under division (C) or 2118
(D) of this section shall do all of the following: 2119

(1) Comply with 18 U.S.C. 922(t) as if transferring the 2120
firearm from the inventory of the federally licensed firearms 2121
dealer to the unlicensed transferee, except that a federally 2122
licensed firearms dealer assisting in the transfer of a firearm 2123
under this division shall not be required to comply again with 2124
the requirements of that provision in delivering the firearm to 2125
the unlicensed transferee; 2126

(2) Conduct an incompetency records check of the 2127
unlicensed transferee by contacting the attorney general and 2128
requesting a check of the records maintained under section 2129
5122.311 of the Revised Code, to determine if the transfer of 2130
the firearm to the unlicensed transferee or the unlicensed 2131
transferee's acquisition or possession of the firearm would 2132
violate the law of this state; 2133

(3) Notify the unlicensed transferor and unlicensed 2134

transferee of whichever of the following is applicable: 2135

(a) That the dealer has complied with 18 U.S.C. 922(t) as 2136
provided in division (E) (1) of this section and the transfer of 2137
the firearm is not prohibited under that provision and that the 2138
dealer has conducted the incompetency records check of the 2139
unlicensed transferee as provided in division (E) (2) of this 2140
section and has not determined in that check that the unlicensed 2141
transferee's acquisition or possession of the firearm would 2142
violate the law of this state; 2143

(b) That the dealer has complied with 18 U.S.C. 922(t) as 2144
provided in division (E) (1) of this section and has received a 2145
notice from the national instant criminal background check 2146
system that the transfer would violate 18 U.S.C. 922 or the law 2147
of this state or that the dealer has conducted the incompetency 2148
records check of the unlicensed transferee as provided in 2149
division (E) (2) of this section and has determined in that check 2150
that the unlicensed transferee's acquisition or possession of 2151
the firearm would violate the law of this state. 2152

(F) A law enforcement agency of this state or of a 2153
political subdivision of this state that agrees to assist an 2154
unlicensed transferor in carrying out the responsibilities of 2155
the unlicensed transferor under division (C) or (D) of this 2156
section with respect to the transfer of a firearm shall do all 2157
of the following: 2158

(1) Contact the national instant criminal background check 2159
system under 18 U.S.C. 922(t) and either receive an 2160
identification number as described in 18 U.S.C. 922(t) (1) (B) (i) 2161
or wait the period described in 18 U.S.C. 922(t) (1) (B) (ii); 2162

(2) Conduct an incompetency records check of the 2163

unlicensed transferee by contacting the attorney general and 2164
requesting a check of the records maintained under section 2165
5122.311 of the Revised Code, to determine if the transfer of 2166
the firearm to the unlicensed transferee or the unlicensed 2167
transferee's acquisition or possession of the firearm would 2168
violate the law of this state; 2169

(3) Conduct any other checks that the agency considers 2170
appropriate to determine whether the receipt or possession of 2171
the firearm by the unlicensed transferee would violate 18 U.S.C. 2172
922 or the law of this state; 2173

(4) Verify the identity of the unlicensed transferee by 2174
either examining a valid identification document of the 2175
unlicensed transferee containing a photograph of the unlicensed 2176
transferee or confirming that the unlicensed transferor has 2177
examined such a valid identification document; 2178

(5) Notify the unlicensed transferor and transferee of 2179
whichever of the following is applicable: 2180

(a) That the law enforcement agency has complied with the 2181
requirements under divisions (F) (1), (2), (3), and (4) of this 2182
section and that the transfer of the firearm is not prohibited 2183
under 18 U.S.C 922(t) and the agency has not determined in the 2184
incompetency records check conducted under division (F) (2) of 2185
this section or a records check conducted under division (F) (3) 2186
of this section that the unlicensed transferee's acquisition or 2187
possession of the firearm would violate the law of this state; 2188

(b) That the law enforcement agency has complied with the 2189
requirements under divisions (F) (1), (2), (3), and (4) of this 2190
section and either has received a notification from the national 2191
instant criminal background check system that the transfer would 2192

violate 18 U.S.C. section 922 or the law of this state or has 2193
determined under the incompetency records check conducted under 2194
division (F) (2) of this section or a records check conducted 2195
under division (F) (3) of this section that the unlicensed 2196
transferee's acquisition or possession of the firearm would 2197
violate the law of this state. 2198

(G) Unless prohibited by any other provision of law, 2199
divisions (C) and (D) of this section shall not apply to any 2200
transfer of a firearm between an unlicensed transferor and 2201
unlicensed transferee if any of the following apply with respect 2202
to the transfer: 2203

(1) The transfer is temporary and occurs while in the home 2204
of the unlicensed transferee, the unlicensed transferee is not 2205
otherwise prohibited from possessing firearms, and the 2206
unlicensed transferee believes that possession of the firearm is 2207
necessary to prevent imminent death or great bodily harm to the 2208
unlicensed transferee. 2209

(2) The transfer is a temporary transfer of possession 2210
without transfer of title that takes place in any of the 2211
following circumstances: 2212

(a) At a shooting range located in or on premises owned or 2213
occupied by a duly incorporated organization organized for 2214
conservation purposes or to foster proficiency in firearms; 2215

(b) At a target firearm shooting competition under the 2216
auspices of or approved by an agency of this state or a 2217
nonprofit organization; 2218

(c) While hunting, fishing, or trapping, if the activity 2219
is legal in all places where the unlicensed transferee possesses 2220
the firearm, and the unlicensed transferee holds any required 2221

license or permit. 2222

(3) The transfer is to an authorized representative of a 2223
law enforcement agency of any municipal corporation, any county, 2224
this state, or the federal government for exclusive use by that 2225
governmental entity and, prior to the transfer, written 2226
authorization from the head of the agency authorizing the 2227
transaction is presented to the person from whom the transfer is 2228
being made. The proper written authorization shall be verifiable 2229
written certification from the head of the agency by which the 2230
transferee is employed, identifying the employee as an 2231
individual authorized to conduct the transaction, and 2232
authorizing the transaction for the exclusive use of the agency 2233
by which that person is employed. 2234

(4) The transfer is a loan of the firearm by an authorized 2235
law enforcement representative of a municipal corporation, a 2236
county, this state, or the federal government, the loan is made 2237
to a peace officer who is employed by that governmental entity 2238
and authorized to carry a firearm, and the loan is made for the 2239
carrying and use of that firearm by that peace officer in the 2240
course and scope of the officer's duties. 2241

(5) The transfer is by a law enforcement agency to a peace 2242
officer. 2243

(6) The transfer is to an authorized representative of a 2244
municipal corporation, a county, this state, or the federal 2245
government and is for the governmental entity, and the entity is 2246
acquiring the firearm as part of an authorized, voluntary 2247
program in which the entity is buying or receiving weapons from 2248
private individuals. 2249

(7) The transfer is by an authorized law enforcement 2250

representative of a municipal corporation, a county, this state, 2251
or the federal government to any public or private nonprofit 2252
historical society, museum, or institutional collection, if all 2253
of the following conditions are met: 2254

(a) The entity receiving the firearm is open to the 2255
public. 2256

(b) The firearm prior to delivery is deactivated or 2257
rendered inoperable. 2258

(c) The firearm is not of a type prohibited by provision 2259
of law from being transferred to the public at large. 2260

(d) Prior to delivery, the entity receiving the firearm 2261
submits a written statement to the law enforcement 2262
representative stating that the firearm will not be restored to 2263
operating condition and will either remain with that entity, or 2264
if subsequently disposed of, will be transferred in accordance 2265
with the applicable provisions of law. 2266

(8) The transfer is by any person other than a 2267
representative of an authorized law enforcement agency to any 2268
public or private nonprofit historical society, museum, or 2269
institutional collection, if all of the conditions set forth in 2270
divisions (G) (7) (a) to (d) of this section are met. 2271

(9) The transfer is delivery of a firearm to a gunsmith 2272
for service or repair, is the return of the firearm to its owner 2273
by the gunsmith, or is the delivery of a firearm by a gunsmith 2274
to a federally licensed firearms dealer for service or repair or 2275
the return of the firearm to the gunsmith. 2276

(10) The transfer is made by a person who resides in this 2277
state, is made to a person who resides outside this state and is 2278
a federally licensed firearms dealer, and is in accordance with 2279

federal firearms law. 2280

(11) The transfer is of any unloaded firearm to a 2281
wholesaler as merchandise in the wholesaler's business by a 2282
manufacturer or importer licensed to engage in that business 2283
pursuant to federal firearms law or by another wholesaler and is 2284
made in accordance with federal firearms law. 2285

(H) A federally licensed firearms dealer or law 2286
enforcement agency that processes the transfer of a firearm 2287
under this section may assess and collect a fee, in an amount 2288
not to exceed ten dollars, with respect to each firearm transfer 2289
processed. 2290

(I) Nothing in this section shall be construed to 2291
authorize the attorney general of the United States to inspect 2292
records described in this section or to require that the records 2293
be transferred to a facility owned, managed, or controlled by 2294
this state or the United States. 2295

(J) (1) No person shall recklessly violate division (B), 2296
(C), or (D) of this section. 2297

(2) Whoever violates division (J) (1) of this section is 2298
guilty of illegal transfer of a firearm, and shall be punished 2299
as provided in divisions (J) (2) (a) to (c) of this section. 2300

(a) Except as otherwise provided in division (J) (2) (b) or 2301
(c) of this section, illegal transfer of a firearm is a 2302
misdemeanor of the fourth degree and the offender shall be fined 2303
an amount from the range of possible fines for a misdemeanor of 2304
the fourth degree set forth in section 2929.28 of the Revised 2305
Code. Notwithstanding sections 2929.21 to 2929.28 of the Revised 2306
Code, no other sanction shall be imposed on the offender under 2307
any of those sections. 2308

(b) If the offender previously has been convicted of or 2309
pleaded guilty to one violation of this section, illegal 2310
transfer of a firearm is a misdemeanor of the second degree and 2311
the offender shall be fined an amount from the range of possible 2312
finest for a misdemeanor of the second degree set forth in 2313
section 2929.28 of the Revised Code. Notwithstanding sections 2314
2929.21 to 2929.28 of the Revised Code, no other sanction shall 2315
be imposed on the offender under any of those sections. 2316

(c) If the offender previously has been convicted of or 2317
pleaded guilty to two or more violations of this section, 2318
illegal transfer of a firearm is a misdemeanor of the first 2319
degree, the offender shall be fined an amount from the range of 2320
possible fines for a misdemeanor of the first degree set forth 2321
in section 2929.28 of the Revised Code, and, in addition to the 2322
mandatory fine, the court may impose any other sanction or 2323
sanctions authorized for a misdemeanor of the first degree other 2324
than a fine specified in section 2929.28 of the Revised Code. 2325

Sec. 2923.26. (A) As used in this section and sections 2326
2923.27 to 2923.30 of the Revised Code: 2327

(1) "Extreme risk protection order" means a final order or 2328
an ex parte temporary order granted under section 2923.26 or 2329
2923.27 of the Revised Code, respectively. 2330

(2) "Family or household member" means, with respect to a 2331
respondent, any of the following: 2332

(a) A person related by blood, marriage, or adoption to 2333
the respondent; 2334

(b) A person in a dating relationship with the respondent; 2335

(c) A person who has a child in common with the 2336
respondent, regardless of whether the person has been married to 2337

the respondent or has lived together with the respondent at any 2338
time; 2339

(d) A person who resides with the respondent or who has 2340
resided with the respondent within the past year; 2341

(e) A person who has a biological or legal parent-child 2342
relationship with the respondent, including a stepparent, 2343
stepchild, grandparent, and grandchild of the respondent; 2344

(f) A person who is acting or has acted as the 2345
respondent's legal guardian. 2346

(3) "Judicial day" means a day on which a court is open. 2347

(4) "Law enforcement agency" means a municipal or township 2348
police department, a county sheriff's office, or the state 2349
highway patrol. 2350

(5) "Law enforcement officer" means a sheriff, deputy 2351
sheriff, constable, police officer of a township or joint police 2352
district, municipal police officer, or state highway patrol 2353
trooper. 2354

(6) "Petitioner" means the person who petitions for an 2355
extreme risk protection order. 2356

(7) "Respondent" means the person who is identified as the 2357
subject of a petition for an extreme risk protection order. 2358

(B) Any of the following persons may seek relief under 2359
sections 2923.26 to 2923.30 of the Revised Code by filing a 2360
petition for an extreme risk protection order in the court of 2361
common pleas in the county where the petitioner resides or in 2362
the county where the respondent resides: 2363

(1) A family or household member of the respondent; 2364

- (2) A law enforcement officer or law enforcement agency. 2365
- (C) A petition for an extreme risk protection order shall 2366
include all of the following: 2367
- (1) An allegation that the respondent poses a significant 2368
danger of causing personal injury to self or others by having in 2369
the respondent's custody or control, purchasing, possessing, or 2370
receiving a firearm, accompanied by an affidavit made under oath 2371
stating the specific statements, actions, or facts that give 2372
rise to a reasonable fear of future dangerous acts by the 2373
respondent; 2374
- (2) An inventory list including the number, types, and 2375
locations of every firearm the petitioner believes to be in the 2376
respondent's ownership, possession, custody, or control; 2377
- (3) A list of any protection order issued under section 2378
2151.34, 2903.213, 2903.214, 2919.26, or 3113.31 of the Revised 2379
Code to which the respondent is subject and of which the 2380
petitioner is aware; 2381
- (4) A list of any pending lawsuit, complaint, petition, or 2382
other legal action between the parties. 2383
- (D) The court shall verify the terms of any existing order 2384
governing the parties but shall not delay granting relief 2385
because an action is pending between the parties. A petition for 2386
an extreme risk protection order may be granted whether or not 2387
an action between the parties is pending. 2388
- (E) If the petitioner is a law enforcement officer or 2389
agency, the petitioner shall make a good faith effort to provide 2390
notice to a family or household member or third party who may be 2391
at risk of violence. The notice shall state that the petitioner 2392
intends to petition the court for an extreme risk protection 2393

order or that the petitioner has already done so, and include 2394
referrals to appropriate resources, including mental health, 2395
domestic violence, and counseling resources. The petitioner 2396
shall attest in the petition to having provided this notice, or 2397
attest to the steps that will be taken to provide the notice. 2398

(F) If the petition states that disclosure of the 2399
petitioner's address would risk harm to the petitioner or any 2400
member of the petitioner's family or household, the petitioner's 2401
address may be omitted from all documents filed with the court. 2402
If the petitioner has not disclosed an address under this 2403
division, the petitioner shall designate an alternate address at 2404
which the respondent may serve notice of any motions. If the 2405
petitioner is a law enforcement officer or agency, the address 2406
of record shall be the address of the law enforcement agency. 2407

(G) The court shall not charge a fee to a petitioner for 2408
filing a petition under this section and shall not charge the 2409
petitioner for service of process. The court shall provide the 2410
necessary certified copies and forms and shall provide materials 2411
explaining the process of filing a petition for an extreme risk 2412
protection order to persons free of charge. 2413

(H) No petitioner for an extreme risk protection order 2414
shall be required to post a bond to obtain relief under this 2415
section or sections 2923.27 to 2923.30 of the Revised Code. 2416

(I) Upon receiving a petition for an extreme risk 2417
protection order filed under this section, the court shall do 2418
all of the following: 2419

(1) Order a hearing to be held not later than fourteen 2420
days after the date the petition is filed; 2421

(2) Issue a notice of the hearing to the respondent named 2422

in the petition; 2423

(3) Cause a copy of the notice of hearing and petition to 2424
be forwarded on or before the next judicial day to a local law 2425
enforcement agency for service on the respondent. 2426

(J) The court may do either of the following with respect 2427
to a petition for an extreme risk protection order: 2428

(1) Subject to division (K) of this section, schedule a 2429
hearing by telephone pursuant to local court rule, to reasonably 2430
accommodate a disability, or, in exceptional circumstances, to 2431
protect a petitioner from potential harm; 2432

(2) Issue an ex parte extreme risk protection order under 2433
section 2923.27 of the Revised Code. 2434

(K) The court shall require assurances of the petitioner's 2435
identity before conducting a telephonic hearing under division 2436
(J) (1) of this section. 2437

(L) The local law enforcement agency shall personally 2438
serve the petition and notice of the hearing on the respondent 2439
not less than five judicial days prior to the hearing. If a 2440
court has issued an ex parte extreme risk protection order under 2441
section 2923.27 of the Revised Code, the local law enforcement 2442
agency shall serve the ex parte order concurrently with the 2443
notice of hearing and petition. Service issued under this 2444
section shall take precedence over service of other documents, 2445
unless those documents are also of an emergency nature. If the 2446
local law enforcement agency cannot serve process under this 2447
section within the time period specified, the court shall set a 2448
new hearing date and either require the local law enforcement 2449
agency to attempt personal service again or shall permit service 2450
by publication or mail as provided in division (H) of section 2451

2923.28 of the Revised Code. The court shall not require more 2452
than two attempts at obtaining personal service and shall permit 2453
service by publication or mail after two attempts unless the 2454
petitioner requests additional time to attempt personal service. 2455
If the court issues an order that permits service by publication 2456
or mail, the court shall set the hearing date not later than 2457
twenty-four days after the date the order is issued. 2458

(M) Upon hearing a petition for an extreme risk protection 2459
order, if the court finds by a preponderance of the evidence 2460
that the respondent poses a significant danger of causing 2461
personal injury to self or others by having custody or control 2462
of a firearm or the ability to purchase, possess, or receive a 2463
firearm, the court shall issue an extreme risk protection order 2464
for a period of one year. 2465

(N) In determining whether grounds for an extreme risk 2466
protection order exist, the court may do any of the following: 2467

(1) Consider any relevant evidence including any of the 2468
following: 2469

(a) A recent act or threat of violence by the respondent 2470
against the respondent or against another, whether or not the 2471
violence or threat involves a firearm; 2472

(b) A pattern of acts or threats of violence by the 2473
respondent within the past twelve months, including acts or 2474
threats of violence by the respondent against the respondent or 2475
against others; 2476

(c) Any dangerous mental health issues of the respondent; 2477

(d) A violation by the respondent of any of the following: 2478

(i) A protection order issued or consent agreement 2479

| | |
|---|------|
| <u>approved pursuant to section 2919.26 or 3113.31 of the Revised Code;</u> | 2480 |
| | 2481 |
| <u>(ii) A protection order issued pursuant to section 2151.34, 2903.213, or 2903.214 of the Revised Code;</u> | 2482 |
| | 2483 |
| <u>(iii) A protection order issued by a court of another state.</u> | 2484 |
| | 2485 |
| <u>(e) A previous or existing extreme risk protection order issued against the respondent;</u> | 2486 |
| | 2487 |
| <u>(f) A violation of a previous or existing extreme risk protection order issued against the respondent;</u> | 2488 |
| | 2489 |
| <u>(g) A conviction of the respondent for a violation of section 2919.25 of the Revised Code;</u> | 2490 |
| | 2491 |
| <u>(h) The respondent's ownership, access to, or intent to possess firearms;</u> | 2492 |
| | 2493 |
| <u>(i) The unlawful or reckless use, display, or brandishing of a firearm by the respondent;</u> | 2494 |
| | 2495 |
| <u>(j) The history of use, attempted use, or threatened use of physical force by the respondent against another person, or the respondent's history of stalking another person;</u> | 2496 |
| | 2497 |
| | 2498 |
| <u>(k) Any prior arrest of the respondent for a felony offense or violent crime;</u> | 2499 |
| | 2500 |
| <u>(l) Corroborated evidence of the abuse of controlled substances or alcohol by the respondent;</u> | 2501 |
| | 2502 |
| <u>(m) Evidence of recent acquisition of firearms by the respondent.</u> | 2503 |
| | 2504 |
| <u>(2) Examine under oath the petitioner, the respondent, and any witness called by the petitioner or respondent;</u> | 2505 |
| | 2506 |

(3) Ensure that a reasonable search has been conducted for 2507
criminal history records related to the respondent. 2508

(O) During a hearing for an extreme risk protection order, 2509
the court shall consider whether a mental health evaluation or 2510
chemical dependency evaluation is appropriate and may order such 2511
an evaluation if appropriate. 2512

(P) An extreme risk protection order issued under this 2513
section shall include all of the following: 2514

(1) A statement of the grounds supporting the order; 2515

(2) The date and time that the order was issued; 2516

(3) The date and time the order expires; 2517

(4) Whether a mental health evaluation or chemical 2518
dependency evaluation of the respondent is required; 2519

(5) The address of the court in which any responsive 2520
pleading should be filed; 2521

(6) A description of the requirements for surrender of 2522
firearms under section 2923.30 of the Revised Code; 2523

(7) The following statement: 2524

"To the subject of the protection order: 2525

This order will last until the date and time noted above. 2526
If you have not done so already, you must surrender to the 2527
(insert name of local law enforcement agency) all firearms in 2528
your custody, control, or possession and any license to carry a 2529
concealed handgun issued to you under section 2923.125 or 2530
2923.1213 of the Revised Code. You may not have in your custody 2531
or control, purchase, possess, receive, or attempt to purchase 2532
or receive, a firearm while this order is in effect. You have 2533

the right to request one hearing to terminate this order every 2534
twelve-month period that this order is in effect, starting from 2535
the date of this order and continuing through any renewals. You 2536
may seek the advice of an attorney as to any matter connected 2537
with this order." 2538

(Q) When the court issues an extreme risk protection 2539
order, the court shall inform the respondent that the respondent 2540
is entitled to request termination of the order in the manner 2541
prescribed in section 2923.29 of the Revised Code. 2542

(R) If the court declines to issue an extreme risk 2543
protection order, the court shall state the particular reasons 2544
for denial in the court's order. 2545

(S) Sections 2923.26 to 2923.30 of the Revised Code do not 2546
affect the ability of a law enforcement officer to remove a 2547
firearm or concealed handgun license from any person or conduct 2548
any search and seizure for firearms pursuant to any other lawful 2549
authority. 2550

Sec. 2923.27. (A) A petitioner, or any person authorized 2551
to file a petition pursuant to division (B) of section 2923.26 2552
of the Revised Code, may request that an ex parte extreme risk 2553
protection order be issued before a hearing for an extreme risk 2554
protection order, without notice to the respondent, by filing an 2555
application for an ex parte extreme risk protection order in a 2556
court of common pleas, county court, or municipal court, that 2557
includes detailed allegations based on personal knowledge that 2558
the respondent poses a significant danger of causing personal 2559
injury to self or others in the near future by having custody or 2560
control of a firearm or the ability to purchase, possess, or 2561
receive a firearm. The applicant may apply for the ex parte 2562
order at the time the petition is filed, at any time prior to 2563

the day of the hearing held pursuant to division (I) of section 2564
2923.26 of the Revised Code, or prior to the filing of a 2565
petition in accordance with division (E) (2) of this section. 2566

(B) In considering whether to issue an ex parte extreme 2567
risk protection order under this section, the court that 2568
receives the application shall consider all relevant evidence, 2569
including the evidence described in division (N) (1) of section 2570
2923.26 of the Revised Code. 2571

(C) If a court finds there is reasonable cause to believe 2572
that the respondent poses a significant danger of causing 2573
personal injury to self or others in the near future by having 2574
custody or control of a firearm or the ability to purchase, 2575
possess, or receive a firearm, the court shall issue an ex parte 2576
extreme risk protection order. 2577

(D) The court shall hold an ex parte extreme risk 2578
protection order hearing in person or by telephone on the day 2579
the application is filed or on the judicial day immediately 2580
following the day the application is filed. The court shall 2581
promptly rule on the application. 2582

(E) (1) In accordance with division (I) (1) of section 2583
2923.26 of the Revised Code, regardless of whether a court of 2584
common pleas receives an application for an ex parte extreme 2585
risk protection order at the same time or after it receives a 2586
petition for an extreme risk protection order, it shall schedule 2587
a hearing on the petition to be held within fourteen days after 2588
the petition is filed. 2589

(2) A county court or municipal court that issues an ex 2590
parte extreme risk protection order shall transfer the case to 2591
the court of common pleas. If the court of common pleas has not 2592

scheduled a hearing on the petition in accordance with division 2593
(I) (1) of section 2923.26 of the Revised Code, whether because 2594
no petition for an extreme risk protection order was filed or 2595
because a petition was filed but the court had not yet scheduled 2596
the hearing on the petition, the court shall schedule the 2597
hearing on the petition to be held: 2598

(a) If a petition was filed but no hearing had yet been 2599
scheduled, within fourteen days after the filing of the 2600
petition; 2601

(b) If no petition had been filed, within fourteen days 2602
following receipt of the case. 2603

(3) If service according to division (L) of section 2604
2923.26 of the Revised Code has not yet been made, upon the 2605
issuance of the ex parte extreme risk protection order, the 2606
local law enforcement agency shall personally serve the petition 2607
and notice of the hearing and the ex parte extreme risk 2608
protection order on the respondent not less than five judicial 2609
days prior to the hearing. 2610

If service according to division (L) of section 2923.26 of 2611
the Revised Code has already been made at the time the ex parte 2612
order is issued, service shall be made the day the ex parte 2613
extreme risk protection order is issued. 2614

(F) An ex parte extreme risk protection order shall 2615
include all of the following: 2616

(1) A statement of the grounds asserted for the order; 2617

(2) The date and time the order was issued; 2618

(3) The date and time the order expires, which shall not 2619
be later than the date and time of the hearing for the extreme 2620

risk protection order; 2621

(4) The address of the court in which any responsive 2622
pleading should be filed; 2623

(5) The date and time of the scheduled hearing; 2624

(6) A description of the requirements for surrender of 2625
firearms under section 2923.30 of the Revised Code; 2626

(7) The following statement: 2627

"To the subject of this protection order: 2628

This order is valid until the date and time noted above. 2629
You are required to surrender all firearms in your custody, 2630
control, or possession. You may not have in your custody or 2631
control, purchase, possess, receive, or attempt to purchase or 2632
receive, a firearm while this order is in effect. You must 2633
immediately surrender to the (insert name of local law 2634
enforcement agency) all firearms in your custody, control, or 2635
possession and any license to carry a concealed handgun issued 2636
to you under section 2923.125 or 2923.1213 of the Revised Code 2637
immediately. A hearing will be held on the date and at the time 2638
noted above to determine if an extreme risk protection order 2639
should be issued. Failure to appear at that hearing may result 2640
in a court making an order against you that is valid for one 2641
year. You may seek the advice of an attorney as to any matter 2642
connected with this order." 2643

(G) Any ex parte extreme risk protection order issued 2644
under this section expires upon the hearing on the extreme risk 2645
protection order. 2646

(H) If the court of common pleas declines to issue an ex 2647
parte extreme risk protection order, the court shall state the 2648

particular reasons for the denial. 2649

Sec. 2923.28. (A) An extreme risk protection order issued 2650
under section 2923.26 of the Revised Code shall be personally 2651
served upon the respondent, except as otherwise provided in 2652
sections 2923.26 to 2923.30 of the Revised Code. 2653

(B) The law enforcement agency with jurisdiction over the 2654
area in which the respondent resides shall serve the respondent 2655
personally unless the petitioner elects to have the respondent 2656
served by a private party. 2657

(C) If service by the local law enforcement agency is to 2658
be used, the clerk of court shall cause a copy of the order 2659
issued under section 2923.26 of the Revised Code to be forwarded 2660
on or before the next judicial day to the local law enforcement 2661
agency specified in the order for service upon the respondent. 2662

(D) If the law enforcement agency is unable to complete 2663
service on the respondent within ten days, the law enforcement 2664
agency shall notify the petitioner. The petitioner shall provide 2665
any information necessary to allow the law enforcement agency to 2666
complete service on the respondent. 2667

(E) If an order entered by the court specifies that the 2668
respondent appeared in person before the court, further service 2669
is waived and proof of service is not necessary. 2670

(F) If the court previously entered an order allowing 2671
service of the notice and petition or an ex parte extreme risk 2672
protection order by publication or mail under division (H) of 2673
this section, or if the court finds there are now grounds to 2674
allow for that method of service, the court may permit service 2675
by publication or mail of the extreme risk protection order as 2676
provided in that division. 2677

(G) Return of service under sections 2923.26 to 2923.30 of 2678
the Revised Code shall be made in accordance with applicable 2679
rules of court. 2680

(H) The court may order service by publication or service 2681
by mail as provided by the Rules of Civil Procedure except that 2682
any summons shall contain the name of the respondent and 2683
petitioner, the date and time of the hearing, and any ex parte 2684
extreme risk protection order that has been issued against the 2685
respondent, and the following notice: 2686

"If you fail to respond, an extreme risk protection order 2687
may be issued against you pursuant to sections 2923.26 to 2688
2923.30 of the Revised Code for one year from the date you are 2689
required to appear." 2690

(I) If the court orders service by publication or mail for 2691
notice of an extreme risk protection order hearing, it shall 2692
also reissue the ex parte extreme risk protection order, if 2693
issued, to expire on the date of the extreme risk protection 2694
order hearing. 2695

(J) Following completion of service by publication or by 2696
mail for notice of an extreme risk protection order hearing, if 2697
the respondent fails to appear at the hearing, the court may 2698
issue an extreme risk protection order as provided in section 2699
2923.26 of the Revised Code. 2700

(K) The clerk of the court shall enter any extreme risk 2701
protection order or ex parte extreme risk protection order 2702
issued under sections 2923.26 to 2923.30 of the Revised Code 2703
into a statewide judicial information system on the same day 2704
such order is issued. 2705

(L) The clerk of the court shall forward a copy of an 2706

order issued under sections 2923.26 to 2923.30 of the Revised 2707
Code the same day the order is issued to the appropriate law 2708
enforcement agency specified in the order. Upon receipt of the 2709
copy of the order, the law enforcement agency shall enter the 2710
order into the national instant criminal background check 2711
system, any other federal or state computer-based systems used 2712
by law enforcement or others to identify prohibited purchasers 2713
of firearms, and any computer-based criminal intelligence 2714
information system available in this state used by law 2715
enforcement agencies to list outstanding warrants. The order 2716
shall remain in each system for the period stated in the order, 2717
and the law enforcement agency shall only remove orders from the 2718
systems that have expired or terminated. Entry into the 2719
computer-based criminal intelligence information system 2720
constitutes notice to all law enforcement agencies of the 2721
existence of the order. The order is fully enforceable in any 2722
county in the state. 2723

(M) (1) The issuing court shall, within three judicial days 2724
after issuance of an extreme risk protection order or ex parte 2725
extreme risk protection order, forward a copy of the 2726
respondent's driver's license or state identification card, or 2727
comparable information, along with the date of the order's 2728
issuance, to the sheriff that has issued a concealed handgun 2729
license to the respondent. Upon receipt of the information, the 2730
sheriff shall immediately revoke the respondent's license in 2731
accordance with division (B) of section 2923.128 of the Revised 2732
Code. 2733

(2) The court, if necessary, may apply for access to the 2734
law enforcement automated data system to identify a sheriff that 2735
has issued a concealed handgun license to a respondent. For 2736
purposes of this inquiry, the court is a criminal justice 2737

agency. 2738

(N) If an extreme risk protection order is terminated 2739
before its expiration date, the clerk of the court shall forward 2740
the same day a copy of the termination order to the appropriate 2741
law enforcement agency specified in the termination order. Upon 2742
receipt of the order, the law enforcement agency shall promptly 2743
remove the order from any computer-based system in which it was 2744
entered pursuant to division (L) of this section. 2745

Sec. 2923.29. (A) The respondent may submit one written 2746
request for a hearing to terminate an extreme risk protection 2747
order issued under sections 2923.26 to 2923.30 of the Revised 2748
Code every twelve-month period that the order is in effect, 2749
starting from the date of the order and continuing through any 2750
renewals. 2751

(1) Upon receipt of the request for a hearing to terminate 2752
an extreme risk protection order, the court shall set a date for 2753
a hearing. Notice of the request shall be served on the 2754
petitioner in accordance with the Rules of Civil Procedure. The 2755
hearing shall occur not sooner than fourteen days and not later 2756
than thirty days after the date the petitioner is served with 2757
the request. 2758

(2) The respondent shall have the burden of proving by a 2759
preponderance of the evidence that the respondent does not pose 2760
a significant danger of causing personal injury to self or 2761
others by having custody or control of a firearm or the ability 2762
to purchase, possess, or receive a firearm. The court may 2763
consider any relevant evidence, including evidence of the 2764
considerations listed in division (N) (1) of section 2923.26 of 2765
the Revised Code. 2766

(3) If the court finds after the hearing that the 2767
respondent has met the respondent's burden, the court shall 2768
terminate the order. 2769

(B) The court shall notify the petitioner of the impending 2770
expiration of an extreme risk protection order. Notice shall be 2771
received by the petitioner one hundred five calendar days before 2772
the date the order expires. 2773

(C) A family or household member of a respondent or a law 2774
enforcement officer or agency may by motion request a renewal of 2775
an extreme risk protection not sooner than one hundred five 2776
calendar days before the expiration of the order. 2777

(D) Upon receipt of a motion to renew, the court shall 2778
order that a hearing be held not later than fourteen days from 2779
the date of the motion. The court may schedule a hearing by 2780
telephone in the manner prescribed by division (J) (1) of section 2781
2923.26 of the Revised Code. The respondent shall be personally 2782
served in the same manner prescribed by divisions (I) (3) and (L) 2783
of section 2923.26 of the Revised Code. 2784

(E) In determining whether to renew an extreme risk 2785
protection order under this section, the court shall consider 2786
all relevant evidence presented by the petitioner and follow the 2787
same procedure as provided in section 2923.26 of the Revised 2788
Code. 2789

If the court finds by a preponderance of the evidence that 2790
the requirements for issuance of an extreme risk protection 2791
order as provided in section 2923.26 of the Revised Code 2792
continue to be met, the court shall renew the order. However, 2793
if, after notice, the motion for renewal is uncontested and the 2794
petitioner seeks no modification of the order, the order may be 2795

renewed on the basis of the petitioner's motion or affidavit 2796
stating that there has been no material change in relevant 2797
circumstances since entry of the order and stating the reason 2798
for the requested renewal. 2799

(F) The renewal of an extreme risk protection order has a 2800
duration of one year, subject to termination as provided in 2801
division (A) of this section or further renewal by order of the 2802
court. 2803

Sec. 2923.30. (A) Upon issuance of any extreme risk 2804
protection order under this chapter, including an ex parte 2805
extreme risk protection order, the court shall order the 2806
respondent to surrender to the local law enforcement agency all 2807
firearms in the respondent's custody, control, or possession and 2808
any license to carry a concealed handgun issued to the 2809
respondent under section 2923.125 or 2923.1213 of the Revised 2810
Code. 2811

(B) The law enforcement officer serving any extreme risk 2812
protection order under sections 2923.26 to 2923.30 of the 2813
Revised Code, including an ex parte extreme risk protection 2814
order, shall request that the respondent immediately surrender 2815
all firearms in the respondent's custody, control, or possession 2816
and any license to carry a concealed handgun issued to the 2817
respondent under section 2923.125 or 2923.1213 of the Revised 2818
Code, and conduct any search permitted by law for such firearms. 2819

(C) The law enforcement officer shall take possession of 2820
all firearms belonging to the respondent that are surrendered, 2821
in plain sight, or discovered pursuant to a lawful search. 2822
Alternatively, if personal service by a law enforcement officer 2823
is not possible, or not required because the respondent was 2824
present at the extreme risk protection order hearing, the 2825

respondent shall surrender the firearms in a safe manner to the 2826
control of the local law enforcement agency within forty-eight 2827
hours of being served with the order by alternate service or 2828
within forty-eight hours of the hearing at which the respondent 2829
was present. 2830

(D) At the time of surrender, a law enforcement officer 2831
taking possession of a firearm or concealed handgun license 2832
shall issue a receipt identifying all firearms that have been 2833
surrendered and provide a copy of the receipt to the respondent. 2834
Within seventy-two hours after service of the order, the officer 2835
serving the order shall file the original receipt with the court 2836
and shall ensure that the officer's law enforcement agency 2837
retains a copy of the receipt. 2838

(E) Upon the sworn statement or testimony of the 2839
petitioner or of any law enforcement officer alleging that the 2840
respondent has failed to comply with the surrender of firearms 2841
as required by an order issued under sections 2923.26 to 2923.30 2842
of the Revised Code, the court shall determine whether probable 2843
cause exists to believe that the respondent has failed to 2844
surrender all firearms in the respondent's possession, custody, 2845
or control. If probable cause exists, the court shall issue a 2846
warrant describing the firearms and authorizing a search of the 2847
locations where the firearms are reasonably believed to be and 2848
the seizure of any firearms discovered pursuant to such search. 2849

(F) If a person other than the respondent claims title to 2850
any firearm surrendered pursuant to this section, and the other 2851
person is determined by the law enforcement agency to be the 2852
lawful owner of the firearm, the firearm shall be returned to 2853
the other person, provided that both of the following apply: 2854

(1) The firearm is removed from the respondent's custody, 2855

control, or possession and the lawful owner agrees to store the 2856
firearm in a manner such that the respondent does not have 2857
access to or control of the firearm. 2858

(2) The lawful owner is not prohibited from possessing the 2859
firearm under state or federal law. 2860

(G) Upon the issuance of an extreme risk protection order, 2861
the court shall order a new hearing date and require the 2862
respondent to appear not later than three judicial days from the 2863
date it issues the order requiring the hearing. The court shall 2864
require a showing that the respondent has surrendered any 2865
firearms in the respondent's custody, control, or possession. 2866
The court may dismiss the hearing upon a satisfactory showing 2867
that the respondent is in compliance with the order. 2868

(H) All law enforcement agencies shall develop policies 2869
and procedures not later than six months after the effective 2870
date of this section regarding the acceptance, storage, and 2871
return of firearms required to be surrendered under sections 2872
2923.26 to 2923.30 of the Revised Code. 2873

(I) If an extreme risk protection order is terminated or 2874
expires without renewal, a law enforcement agency holding any 2875
firearm that has been surrendered pursuant to sections 2923.26 2876
to 2923.30 of the Revised Code shall return any surrendered 2877
firearm requested by a respondent only after confirming, through 2878
a background check, that the respondent is currently eligible to 2879
own or possess firearms under federal and state law and after 2880
confirming with the court that the extreme risk protection order 2881
has terminated or has expired without renewal. 2882

(J) A law enforcement agency shall, if requested by a 2883
family or household member of the respondent, provide prior 2884

notice of the return of a firearm to a respondent to that family 2885
or household member. 2886

(K) Any firearm surrendered by a respondent pursuant to 2887
this section that remains unclaimed by the lawful owner shall be 2888
disposed of in accordance with the law enforcement agency's 2889
policies and procedures for the disposal of firearms in police 2890
custody. 2891

Sec. 2923.99. (A) Except as provided in this section, 2892
sections 2923.26 to 2923.30 of the Revised Code do not impose 2893
criminal or civil liability on any person or entity for acts or 2894
omissions related to obtaining an extreme risk protection order 2895
or ex parte extreme risk protection order including for 2896
reporting, declining to report, investigating, declining to 2897
investigate, filing, or declining to file a petition under those 2898
sections. 2899

(B) (1) No person shall file a petition under sections 2900
2923.26 to 2923.30 of the Revised Code knowing the information 2901
in the petition is materially false or with intent to harass the 2902
respondent. 2903

(2) A person who violates division (B) (1) of this section 2904
is guilty of unlawful petition for an extreme risk protection 2905
order, a misdemeanor of the third degree. 2906

(C) (1) No person shall acquire, have, carry, or use any 2907
firearm with knowledge that the person is prohibited from doing 2908
so by an order issued under this section or sections 2923.26 to 2909
2923.30 of the Revised Code. 2910

(2) A person who violates division (C) (1) of this section 2911
is guilty of having a firearm while under extreme risk 2912
protection order disability. Except as provided in division (C) 2913

(3) of this section, having a firearm while under extreme risk protection order disability is a misdemeanor of the third degree. 2914
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(3) If a person found guilty of having a firearm while under extreme risk protection order disability has two or more previous convictions for such an offense, having a firearm while under extreme risk protection order disability is a felony of the fifth degree. 2917
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(D) In addition to the penalties prescribed in division (C) of this section, no person found guilty of having a firearm while under extreme risk protection order disability shall knowingly acquire, have, carry, or use any firearm or dangerous ordnance for a period of five years after the date the underlying extreme risk protection order expires. 2922
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Sec. 2929.28. (A) In addition to imposing court costs pursuant to section 2947.23 of the Revised Code, the court imposing a sentence upon an offender for a misdemeanor, including a minor misdemeanor, may sentence the offender to any financial sanction or combination of financial sanctions authorized under this section. If the court in its discretion imposes one or more financial sanctions, the financial sanctions that may be imposed pursuant to this section include, but are not limited to, the following: 2928
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(1) Unless the misdemeanor offense is a minor misdemeanor or could be disposed of by the traffic violations bureau serving the court under Traffic Rule 13, restitution by the offender to the victim of the offender's crime or any survivor of the victim, in an amount based on the victim's economic loss. The court may not impose restitution as a sanction pursuant to this division if the offense is a minor misdemeanor or could be 2937
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disposed of by the traffic violations bureau serving the court 2944
under Traffic Rule 13. If the court requires restitution, the 2945
court shall order that the restitution be made to the victim in 2946
open court or to the adult probation department that serves the 2947
jurisdiction or the clerk of the court on behalf of the victim. 2948

If the court imposes restitution, the court shall 2949
determine the amount of restitution to be paid by the offender. 2950
If the court imposes restitution, the court may base the amount 2951
of restitution it orders on an amount recommended by the victim, 2952
the offender, a presentence investigation report, estimates or 2953
receipts indicating the cost of repairing or replacing property, 2954
and other information, provided that the amount the court orders 2955
as restitution shall not exceed the amount of the economic loss 2956
suffered by the victim as a direct and proximate result of the 2957
commission of the offense. If the court imposes restitution for 2958
the cost of accounting or auditing done to determine the extent 2959
of economic loss, the court may order restitution for any amount 2960
of the victim's costs of accounting or auditing provided that 2961
the amount of restitution is reasonable and does not exceed the 2962
value of property or services stolen or damaged as a result of 2963
the offense. If the court decides to impose restitution, the 2964
court shall hold an evidentiary hearing on restitution if the 2965
offender, victim, or survivor disputes the amount of 2966
restitution. If the court holds an evidentiary hearing, at the 2967
hearing the victim or survivor has the burden to prove by a 2968
preponderance of the evidence the amount of restitution sought 2969
from the offender. 2970

All restitution payments shall be credited against any 2971
recovery of economic loss in a civil action brought by the 2972
victim or any survivor of the victim against the offender. No 2973
person may introduce evidence of an award of restitution under 2974

this section in a civil action for purposes of imposing 2975
liability against an insurer under section 3937.18 of the 2976
Revised Code. 2977

If the court imposes restitution, the court may order that 2978
the offender pay a surcharge, of not more than five per cent of 2979
the amount of the restitution otherwise ordered, to the entity 2980
responsible for collecting and processing restitution payments. 2981

The victim or survivor may request that the prosecutor in 2982
the case file a motion, or the offender may file a motion, for 2983
modification of the payment terms of any restitution ordered. If 2984
the court grants the motion, it may modify the payment terms as 2985
it determines appropriate. 2986

(2) A fine of the type described in divisions (A) (2) (a) 2987
and (b) of this section payable to the appropriate entity as 2988
required by law: 2989

(a) A fine in the following amount: 2990

(i) For a misdemeanor of the first degree, not more than 2991
one thousand dollars; 2992

(ii) For a misdemeanor of the second degree, not more than 2993
seven hundred fifty dollars; 2994

(iii) For a misdemeanor of the third degree, not more than 2995
five hundred dollars; 2996

(iv) For a misdemeanor of the fourth degree, not more than 2997
two hundred fifty dollars; 2998

(v) For a minor misdemeanor, not more than one hundred 2999
fifty dollars. 3000

(b) A state fine or cost as defined in section 2949.111 of 3001

the Revised Code. 3002

(3) (a) Reimbursement by the offender of any or all of the 3003
costs of sanctions incurred by the government, including, but 3004
not limited to, the following: 3005

(i) All or part of the costs of implementing any community 3006
control sanction, including a supervision fee under section 3007
2951.021 of the Revised Code; 3008

(ii) All or part of the costs of confinement in a jail or 3009
other residential facility, including, but not limited to, a per 3010
diem fee for room and board, the costs of medical and dental 3011
treatment, and the costs of repairing property damaged by the 3012
offender while confined; 3013

(iii) All or part of the cost of purchasing and using an 3014
immobilizing or disabling device, including a certified ignition 3015
interlock device, or a remote alcohol monitoring device that a 3016
court orders an offender to use under section 4510.13 of the 3017
Revised Code. 3018

(b) The amount of reimbursement ordered under division (A) 3019
(3) (a) of this section shall not exceed the total amount of 3020
reimbursement the offender is able to pay and shall not exceed 3021
the actual cost of the sanctions. The court may collect any 3022
amount of reimbursement the offender is required to pay under 3023
that division. If the court does not order reimbursement under 3024
that division, confinement costs may be assessed pursuant to a 3025
repayment policy adopted under section 2929.37 of the Revised 3026
Code. In addition, the offender may be required to pay the fees 3027
specified in section 2929.38 of the Revised Code in accordance 3028
with that section. 3029

(4) For a misdemeanor violation of section 2923.251 of the 3030

Revised Code, the court shall impose upon the offender a 3031
mandatory fine in the amount specified in division (J) (2) (a), 3032
(b), or (c) of that section. 3033

(B) If the court determines a hearing is necessary, the 3034
court may hold a hearing to determine whether the offender is 3035
able to pay the financial sanction imposed pursuant to this 3036
section or court costs or is likely in the future to be able to 3037
pay the sanction or costs. 3038

If the court determines that the offender is indigent and 3039
unable to pay the financial sanction or court costs, the court 3040
shall consider imposing and may impose a term of community 3041
service under division (A) of section 2929.27 of the Revised 3042
Code in lieu of imposing a financial sanction or court costs. If 3043
the court does not determine that the offender is indigent, the 3044
court may impose a term of community service under division (A) 3045
of section 2929.27 of the Revised Code in lieu of or in addition 3046
to imposing a financial sanction under this section and in 3047
addition to imposing court costs. The court may order community 3048
service for a minor misdemeanor pursuant to division (D) of 3049
section 2929.27 of the Revised Code in lieu of or in addition to 3050
imposing a financial sanction under this section and in addition 3051
to imposing court costs. If a person fails to pay a financial 3052
sanction or court costs, the court may order community service 3053
in lieu of the financial sanction or court costs. 3054

(C) (1) The offender shall pay reimbursements imposed upon 3055
the offender pursuant to division (A) (3) of this section to pay 3056
the costs incurred by a county pursuant to any sanction imposed 3057
under this section or section 2929.26 or 2929.27 of the Revised 3058
Code or in operating a facility used to confine offenders 3059
pursuant to a sanction imposed under section 2929.26 of the 3060

Revised Code to the county treasurer. The county treasurer shall 3061
deposit the reimbursements in the county's general fund. The 3062
county shall use the amounts deposited in the fund to pay the 3063
costs incurred by the county pursuant to any sanction imposed 3064
under this section or section 2929.26 or 2929.27 of the Revised 3065
Code or in operating a facility used to confine offenders 3066
pursuant to a sanction imposed under section 2929.26 of the 3067
Revised Code. 3068

(2) The offender shall pay reimbursements imposed upon the 3069
offender pursuant to division (A) (3) of this section to pay the 3070
costs incurred by a municipal corporation pursuant to any 3071
sanction imposed under this section or section 2929.26 or 3072
2929.27 of the Revised Code or in operating a facility used to 3073
confine offenders pursuant to a sanction imposed under section 3074
2929.26 of the Revised Code to the treasurer of the municipal 3075
corporation. The treasurer shall deposit the reimbursements in 3076
the municipal corporation's general fund. The municipal 3077
corporation shall use the amounts deposited in the fund to pay 3078
the costs incurred by the municipal corporation pursuant to any 3079
sanction imposed under this section or section 2929.26 or 3080
2929.27 of the Revised Code or in operating a facility used to 3081
confine offenders pursuant to a sanction imposed under section 3082
2929.26 of the Revised Code. 3083

(3) The offender shall pay reimbursements imposed pursuant 3084
to division (A) (3) of this section for the costs incurred by a 3085
private provider pursuant to a sanction imposed under this 3086
section or section 2929.26 or 2929.27 of the Revised Code to the 3087
provider. 3088

(D) In addition to any other fine that is or may be 3089
imposed under this section, the court imposing sentence upon an 3090

offender for misdemeanor domestic violence or menacing by 3091
stalking may impose a fine of not less than seventy nor more 3092
than five hundred dollars, which shall be transmitted to the 3093
treasurer of state to be credited to the address confidentiality 3094
program fund created by section 111.48 of the Revised Code. 3095

(E) Except as otherwise provided in this division, a 3096
financial sanction imposed under division (A) of this section is 3097
a judgment in favor of the state or the political subdivision 3098
that operates the court that imposed the financial sanction, and 3099
the offender subject to the financial sanction is the judgment 3100
debtor. A financial sanction of reimbursement imposed pursuant 3101
to division (A) (3) (a) (i) of this section upon an offender is a 3102
judgment in favor of the entity administering the community 3103
control sanction, and the offender subject to the financial 3104
sanction is the judgment debtor. A financial sanction of 3105
reimbursement imposed pursuant to division (A) (3) (a) (ii) of this 3106
section upon an offender confined in a jail or other residential 3107
facility is a judgment in favor of the entity operating the jail 3108
or other residential facility, and the offender subject to the 3109
financial sanction is the judgment debtor. A financial sanction 3110
of restitution imposed pursuant to division (A) (1) of this 3111
section is an order in favor of the victim of the offender's 3112
criminal act that can be collected through a certificate of 3113
judgment as described in division (E) (1) of this section, 3114
through execution as described in division (E) (2) of this 3115
section, or through an order as described in division (E) (3) of 3116
this section, and the offender shall be considered for purposes 3117
of the collection as the judgment debtor. 3118

Once the financial sanction is imposed as a judgment or 3119
order under this division, the victim, private provider, state, 3120
or political subdivision may do any of the following: 3121

(1) Obtain from the clerk of the court in which the judgment was entered a certificate of judgment that shall be in the same manner and form as a certificate of judgment issued in a civil action;

(2) Obtain execution of the judgment or order through any available procedure, including any of the procedures identified in divisions (E) (1) and (2) of section 2929.18 of the Revised Code.

(3) Obtain an order for the assignment of wages of the judgment debtor under section 1321.33 of the Revised Code.

(F) The civil remedies authorized under division (E) of this section for the collection of the financial sanction supplement, but do not preclude, enforcement of the criminal sentence.

(G) Each court imposing a financial sanction upon an offender under this section may designate the clerk of the court or another person to collect the financial sanction. The clerk, or another person authorized by law or the court to collect the financial sanction may do the following:

(1) Enter into contracts with one or more public agencies or private vendors for the collection of amounts due under the sanction. Before entering into a contract for the collection of amounts due from an offender pursuant to any financial sanction imposed pursuant to this section, a court shall comply with sections 307.86 to 307.92 of the Revised Code.

(2) Permit payment of all or any portion of the sanction in installments, by financial transaction device if the court is a county court or a municipal court operated by a county, by credit or debit card or by another electronic transfer if the

court is a municipal court not operated by a county, or by any 3151
other reasonable method, in any time, and on any terms that 3152
court considers just, except that the maximum time permitted for 3153
payment shall not exceed five years. If the court is a county 3154
court or a municipal court operated by a county, the acceptance 3155
of payments by any financial transaction device shall be 3156
governed by the policy adopted by the board of county 3157
commissioners of the county pursuant to section 301.28 of the 3158
Revised Code. If the court is a municipal court not operated by 3159
a county, the clerk may pay any fee associated with processing 3160
an electronic transfer out of public money or may charge the fee 3161
to the offender. 3162

(3) To defray administrative costs, charge a reasonable 3163
fee to an offender who elects a payment plan rather than a lump 3164
sum payment of any financial sanction. 3165

(H) No financial sanction imposed under this section shall 3166
preclude a victim from bringing a civil action against the 3167
offender. 3168

Sec. 5122.311. (A) Notwithstanding any provision of the 3169
Revised Code to the contrary, if, on or after April 8, 2004, an 3170
individual is found by a court to be a mentally ill person 3171
subject to court order or becomes an involuntary patient other 3172
than one who is a patient only for purposes of observation, the 3173
probate judge who made the adjudication or the chief clinical 3174
officer of the hospital, community mental health services 3175
provider, or facility in which the person is an involuntary 3176
patient shall notify the office of the attorney general, on the 3177
form described in division (C) of this section, of the identity 3178
of the individual. The notification shall be transmitted by the 3179
judge or the chief clinical officer not later than seven days 3180

after the adjudication or commitment. 3181

(B) The office of the attorney general shall compile and 3182
maintain the notices it receives under division (A) of this 3183
section and the notices shall be used for the purpose of 3184
conducting incompetency records checks requested by sheriffs, 3185
federally licensed firearms dealers, or law enforcement agencies 3186
pursuant to section 311.41 or 2923.251 of the Revised Code. 3187
Records checks requested by a federally licensed firearms dealer 3188
or law enforcement agency pursuant to section 2923.251 of the 3189
Revised Code shall be conducted, and results of the checks shall 3190
be provided, immediately upon receipt of the request. The 3191
notices referred to in this division and the information they 3192
contain are confidential, except as provided in this division, 3193
and are not public records. 3194

(C) The attorney general, by rule adopted under Chapter 3195
119. of the Revised Code, shall prescribe and make available to 3196
all probate judges and all chief clinical officers a form to be 3197
used by them for the purpose of making the notifications 3198
required by division (A) of this section. 3199

Sec. 5747.08. An annual return with respect to the tax 3200
imposed by section 5747.02 of the Revised Code and each tax 3201
imposed under Chapter 5748. of the Revised Code shall be made by 3202
every taxpayer for any taxable year for which the taxpayer is 3203
liable for the tax imposed by that section or under that 3204
chapter, unless the total credits allowed under division (E) of 3205
section 5747.05 and divisions (F) and (G) of section 5747.055 of 3206
the Revised Code for the year are equal to or exceed the tax 3207
imposed by section 5747.02 of the Revised Code, in which case no 3208
return shall be required unless the taxpayer is liable for a tax 3209
imposed pursuant to Chapter 5748. of the Revised Code. 3210

(A) If an individual is deceased, any return or notice 3211
required of that individual under this chapter shall be made and 3212
filed by that decedent's executor, administrator, or other 3213
person charged with the property of that decedent. 3214

(B) If an individual is unable to make a return or notice 3215
required by this chapter, the return or notice required of that 3216
individual shall be made and filed by the individual's duly 3217
authorized agent, guardian, conservator, fiduciary, or other 3218
person charged with the care of the person or property of that 3219
individual. 3220

(C) Returns or notices required of an estate or a trust 3221
shall be made and filed by the fiduciary of the estate or trust. 3222

(D) (1) (a) Except as otherwise provided in division (D) (1) 3223
(b) of this section, any pass-through entity may file a single 3224
return on behalf of one or more of the entity's investors other 3225
than an investor that is a person subject to the tax imposed 3226
under section 5733.06 of the Revised Code. The single return 3227
shall set forth the name, address, and social security number or 3228
other identifying number of each of those pass-through entity 3229
investors and shall indicate the distributive share of each of 3230
those pass-through entity investor's income taxable in this 3231
state in accordance with sections 5747.20 to 5747.231 of the 3232
Revised Code. Such pass-through entity investors for whom the 3233
pass-through entity elects to file a single return are not 3234
entitled to the exemption or credit provided for by sections 3235
5747.02 and 5747.022 of the Revised Code; shall calculate the 3236
tax before business credits at the highest rate of tax set forth 3237
in section 5747.02 of the Revised Code for the taxable year for 3238
which the return is filed; and are entitled to only their 3239
distributive share of the business credits as defined in 3240

division (D) (2) of this section. A single check drawn by the 3241
pass-through entity shall accompany the return in full payment 3242
of the tax due, as shown on the single return, for such 3243
investors, other than investors who are persons subject to the 3244
tax imposed under section 5733.06 of the Revised Code. 3245

(b) (i) A pass-through entity shall not include in such a 3246
single return any investor that is a trust to the extent that 3247
any direct or indirect current, future, or contingent 3248
beneficiary of the trust is a person subject to the tax imposed 3249
under section 5733.06 of the Revised Code. 3250

(ii) A pass-through entity shall not include in such a 3251
single return any investor that is itself a pass-through entity 3252
to the extent that any direct or indirect investor in the second 3253
pass-through entity is a person subject to the tax imposed under 3254
section 5733.06 of the Revised Code. 3255

(c) Nothing in division (D) of this section precludes the 3256
tax commissioner from requiring such investors to file the 3257
return and make the payment of taxes and related interest, 3258
penalty, and interest penalty required by this section or 3259
section 5747.02, 5747.09, or 5747.15 of the Revised Code. 3260
Nothing in division (D) of this section precludes such an 3261
investor from filing the annual return under this section, 3262
utilizing the refundable credit equal to the investor's 3263
proportionate share of the tax paid by the pass-through entity 3264
on behalf of the investor under division (I) of this section, 3265
and making the payment of taxes imposed under section 5747.02 of 3266
the Revised Code. Nothing in division (D) of this section shall 3267
be construed to provide to such an investor or pass-through 3268
entity any additional deduction or credit, other than the credit 3269
provided by division (I) of this section, solely on account of 3270

the entity's filing a return in accordance with this section. 3271

Such a pass-through entity also shall make the filing and 3272

payment of estimated taxes on behalf of the pass-through entity 3273

investors other than an investor that is a person subject to the 3274

tax imposed under section 5733.06 of the Revised Code. 3275

(2) For the purposes of this section, "business credits" 3276

means the credits listed in section 5747.98 of the Revised Code 3277

excluding the following credits: 3278

(a) The retirement income credit under division (B) of 3279

section 5747.055 of the Revised Code; 3280

(b) The senior citizen credit under division (F) of 3281

section 5747.055 of the Revised Code; 3282

(c) The lump sum distribution credit under division (G) of 3283

section 5747.055 of the Revised Code; 3284

(d) The dependent care credit under section 5747.054 of 3285

the Revised Code; 3286

(e) The lump sum retirement income credit under division 3287

(C) of section 5747.055 of the Revised Code; 3288

(f) The lump sum retirement income credit under division 3289

(D) of section 5747.055 of the Revised Code; 3290

(g) The lump sum retirement income credit under division 3291

(E) of section 5747.055 of the Revised Code; 3292

(h) The credit for displaced workers who pay for job 3293

training under section 5747.27 of the Revised Code; 3294

(i) The twenty-dollar personal exemption credit under 3295

section 5747.022 of the Revised Code; 3296

(j) The joint filing credit under division (E) of section 3297

| | |
|---|--|
| 5747.05 of the Revised Code; | 3298 |
| (k) The nonresident credit under division (A) of section 5747.05 of the Revised Code; | 3299 3300 |
| (l) The credit for a resident's out-of-state income under division (B) of section 5747.05 of the Revised Code; | 3301 3302 |
| (m) The earned income tax credit under section 5747.71 of the Revised Code; | 3303 3304 |
| (n) The lead abatement credit under section 5747.26 of the Revised Code; | 3305 3306 |
| (o) The credit for education expenses under section 5747.72 of the Revised Code; | 3307 3308 |
| (p) The credit for tuition paid to a nonchartered nonpublic school under section 5747.75 of the Revised Code; | 3309 3310 |
| <u>(q) The credit for firearms safety storage unit purchases under section 5747.83 of the Revised Code.</u> | 3311 3312 |
| (3) The election provided for under division (D) of this section applies only to the taxable year for which the election is made by the pass-through entity. Unless the tax commissioner provides otherwise, this election, once made, is binding and irrevocable for the taxable year for which the election is made. Nothing in this division shall be construed to provide for any deduction or credit that would not be allowable if a nonresident pass-through entity investor were to file an annual return. | 3313 3314 3315 3316 3317 3318 3319 3320 |
| (4) If a pass-through entity makes the election provided for under division (D) of this section, the pass-through entity shall be liable for any additional taxes, interest, interest penalty, or penalties imposed by this chapter if the tax commissioner finds that the single return does not reflect the | 3321 3322 3323 3324 3325 |

correct tax due by the pass-through entity investors covered by 3326
that return. Nothing in this division shall be construed to 3327
limit or alter the liability, if any, imposed on pass-through 3328
entity investors for unpaid or underpaid taxes, interest, 3329
interest penalty, or penalties as a result of the pass-through 3330
entity's making the election provided for under division (D) of 3331
this section. For the purposes of division (D) of this section, 3332
"correct tax due" means the tax that would have been paid by the 3333
pass-through entity had the single return been filed in a manner 3334
reflecting the commissioner's findings. Nothing in division (D) 3335
of this section shall be construed to make or hold a pass- 3336
through entity liable for tax attributable to a pass-through 3337
entity investor's income from a source other than the pass- 3338
through entity electing to file the single return. 3339

(E) If a husband and wife file a joint federal income tax 3340
return for a taxable year, they shall file a joint return under 3341
this section for that taxable year, and their liabilities are 3342
joint and several, but, if the federal income tax liability of 3343
either spouse is determined on a separate federal income tax 3344
return, they shall file separate returns under this section. 3345

If either spouse is not required to file a federal income 3346
tax return and either or both are required to file a return 3347
pursuant to this chapter, they may elect to file separate or 3348
joint returns, and, pursuant to that election, their liabilities 3349
are separate or joint and several. If a husband and wife file 3350
separate returns pursuant to this chapter, each must claim the 3351
taxpayer's own exemption, but not both, as authorized under 3352
section 5747.02 of the Revised Code on the taxpayer's own 3353
return. 3354

(F) Each return or notice required to be filed under this 3355

section shall contain the signature of the taxpayer or the 3356
taxpayer's duly authorized agent and of the person who prepared 3357
the return for the taxpayer, and shall include the taxpayer's 3358
social security number. Each return shall be verified by a 3359
declaration under the penalties of perjury. The tax commissioner 3360
shall prescribe the form that the signature and declaration 3361
shall take. 3362

(G) Each return or notice required to be filed under this 3363
section shall be made and filed as required by section 5747.04 3364
of the Revised Code, on or before the fifteenth day of April of 3365
each year, on forms that the tax commissioner shall prescribe, 3366
together with remittance made payable to the treasurer of state 3367
in the combined amount of the state and all school district 3368
income taxes shown to be due on the form. 3369

Upon good cause shown, the commissioner may extend the 3370
period for filing any notice or return required to be filed 3371
under this section and may adopt rules relating to extensions. 3372
If the extension results in an extension of time for the payment 3373
of any state or school district income tax liability with 3374
respect to which the return is filed, the taxpayer shall pay at 3375
the time the tax liability is paid an amount of interest 3376
computed at the rate per annum prescribed by section 5703.47 of 3377
the Revised Code on that liability from the time that payment is 3378
due without extension to the time of actual payment. Except as 3379
provided in section 5747.132 of the Revised Code, in addition to 3380
all other interest charges and penalties, all taxes imposed 3381
under this chapter or Chapter 5748. of the Revised Code and 3382
remaining unpaid after they become due, except combined amounts 3383
due of one dollar or less, bear interest at the rate per annum 3384
prescribed by section 5703.47 of the Revised Code until paid or 3385
until the day an assessment is issued under section 5747.13 of 3386

the Revised Code, whichever occurs first. 3387

If the commissioner considers it necessary in order to 3388
ensure the payment of the tax imposed by section 5747.02 of the 3389
Revised Code or any tax imposed under Chapter 5748. of the 3390
Revised Code, the commissioner may require returns and payments 3391
to be made otherwise than as provided in this section. 3392

To the extent that any provision in this division 3393
conflicts with any provision in section 5747.026 of the Revised 3394
Code, the provision in that section prevails. 3395

(H) The amounts withheld pursuant to section 5747.06, 3396
5747.062, 5747.063, 5747.064, 5747.065, or 5747.071 of the 3397
Revised Code shall be allowed to the ultimate recipient of the 3398
income as credits against payment of the appropriate taxes 3399
imposed on the ultimate recipient by section 5747.02 and under 3400
Chapter 5748. of the Revised Code. As used in this division, 3401
"ultimate recipient" means the person who is required to report 3402
income from which amounts are withheld pursuant to section 3403
5747.06, 5747.062, 5747.063, 5747.064, 5747.065, or 5747.071 of 3404
the Revised Code on the annual return required to be filed under 3405
this section. 3406

(I) If a pass-through entity elects to file a single 3407
return under division (D) of this section and if any investor is 3408
required to file the annual return and make the payment of taxes 3409
required by this chapter on account of the investor's other 3410
income that is not included in a single return filed by a pass- 3411
through entity or any other investor elects to file the annual 3412
return, the investor is entitled to a refundable credit equal to 3413
the investor's proportionate share of the tax paid by the pass- 3414
through entity on behalf of the investor. The investor shall 3415
claim the credit for the investor's taxable year in which or 3416

with which ends the taxable year of the pass-through entity. 3417
Nothing in this chapter shall be construed to allow any credit 3418
provided in this chapter to be claimed more than once. For the 3419
purpose of computing any interest, penalty, or interest penalty, 3420
the investor shall be deemed to have paid the refundable credit 3421
provided by this division on the day that the pass-through 3422
entity paid the estimated tax or the tax giving rise to the 3423
credit. 3424

(J) The tax commissioner shall ensure that each return 3425
required to be filed under this section includes a box that the 3426
taxpayer may check to authorize a paid tax preparer who prepared 3427
the return to communicate with the department of taxation about 3428
matters pertaining to the return. The return or instructions 3429
accompanying the return shall indicate that by checking the box 3430
the taxpayer authorizes the department of taxation to contact 3431
the preparer concerning questions that arise during the 3432
processing of the return and authorizes the preparer only to 3433
provide the department with information that is missing from the 3434
return, to contact the department for information about the 3435
processing of the return or the status of the taxpayer's refund 3436
or payments, and to respond to notices about mathematical 3437
errors, offsets, or return preparation that the taxpayer has 3438
received from the department and has shown to the preparer. 3439

(K) The tax commissioner shall permit individual taxpayers 3440
to instruct the department of taxation to cause any refund of 3441
overpaid taxes to be deposited directly into a checking account, 3442
savings account, or an individual retirement account or 3443
individual retirement annuity, or preexisting college savings 3444
plan or program account offered by the Ohio tuition trust 3445
authority under Chapter 3334. of the Revised Code, as designated 3446
by the taxpayer, when the taxpayer files the annual return 3447

required by this section electronically. 3448

(L) The tax commissioner may adopt rules to administer 3449
this section. 3450

Sec. 5747.83. (A) As used in this section, "firearms 3451
safety storage unit" means a safe, case, lock box, or other 3452
device that is designed to be or can be used to store a firearm 3453
and that is designed to be unlocked only by means of a key, 3454
combination, biometric identifier, or other similar means. 3455

(B) There is hereby allowed a nonrefundable credit against 3456
a taxpayer's aggregate tax liability under section 5747.02 of 3457
the Revised Code for amounts spent by the taxpayer during the 3458
taxable year to purchase firearms safety storage units. The 3459
amount of the credit shall equal twenty per cent of the purchase 3460
price of each firearms safety storage unit, but the amount of 3461
the credit claimed by a taxpayer under this section for any 3462
taxable year shall not exceed four hundred dollars. The taxpayer 3463
shall claim the credit in the order required under section 3464
5747.98 of the Revised Code. 3465

The tax commissioner may request that a taxpayer furnish a 3466
sales receipt or any other information necessary to support a 3467
claim for credit under this section, and no credit shall be 3468
allowed unless the requested information is provided. 3469

Sec. 5747.98. (A) To provide a uniform procedure for 3470
calculating a taxpayer's aggregate tax liability under section 3471
5747.02 of the Revised Code, a taxpayer shall claim any credits 3472
to which the taxpayer is entitled in the following order: 3473

Either the retirement income credit under division (B) of 3474
section 5747.055 of the Revised Code or the lump sum retirement 3475
income credits under divisions (C), (D), and (E) of that 3476

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| section; | 3477 |
| Either the senior citizen credit under division (F) of | 3478 |
| section 5747.055 of the Revised Code or the lump sum | 3479 |
| distribution credit under division (G) of that section; | 3480 |
| The dependent care credit under section 5747.054 of the | 3481 |
| Revised Code; | 3482 |
| The credit for displaced workers who pay for job training | 3483 |
| under section 5747.27 of the Revised Code; | 3484 |
| The campaign contribution credit under section 5747.29 of | 3485 |
| the Revised Code; | 3486 |
| The twenty-dollar personal exemption credit under section | 3487 |
| 5747.022 of the Revised Code; | 3488 |
| The joint filing credit under division (G) of section | 3489 |
| 5747.05 of the Revised Code; | 3490 |
| The earned income credit under section 5747.71 of the | 3491 |
| Revised Code; | 3492 |
| The nonrefundable credit for education expenses under | 3493 |
| section 5747.72 of the Revised Code; | 3494 |
| <u>The credit for firearms safety storage unit purchases</u> | 3495 |
| <u>under section 5747.83 of the Revised Code;</u> | 3496 |
| The nonrefundable credit for donations to scholarship | 3497 |
| granting organizations under section 5747.73 of the Revised | 3498 |
| Code; | 3499 |
| The nonrefundable credit for tuition paid to a | 3500 |
| nonchartered nonpublic school under section 5747.75 of the | 3501 |
| Revised Code; | 3502 |
| The nonrefundable vocational job credit under section | 3503 |

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| 5747.057 of the Revised Code; | 3504 |
| The credit for adoption of a minor child under section | 3505 |
| 5747.37 of the Revised Code; | 3506 |
| The nonrefundable job retention credit under division (B) | 3507 |
| of section 5747.058 of the Revised Code; | 3508 |
| The enterprise zone credit under section 5709.66 of the | 3509 |
| Revised Code; | 3510 |
| The credit for beginning farmers who participate in a | 3511 |
| financial management program under division (B) of section | 3512 |
| 5747.77 of the Revised Code; | 3513 |
| The credit for selling or renting agricultural assets to | 3514 |
| beginning farmers under division (A) of section 5747.77 of the | 3515 |
| Revised Code; | 3516 |
| The credit for purchases of qualifying grape production | 3517 |
| property under section 5747.28 of the Revised Code; | 3518 |
| The small business investment credit under section 5747.81 | 3519 |
| of the Revised Code; | 3520 |
| The nonrefundable lead abatement credit under section | 3521 |
| 5747.26 of the Revised Code; | 3522 |
| The opportunity zone investment credit under section | 3523 |
| 122.84 of the Revised Code; | 3524 |
| The enterprise zone credits under section 5709.65 of the | 3525 |
| Revised Code; | 3526 |
| The research and development credit under section 5747.331 | 3527 |
| of the Revised Code; | 3528 |
| The credit for rehabilitating a historic building under | 3529 |
| section 5747.76 of the Revised Code; | 3530 |

| | |
|---|--|
| The nonresident credit under division (A) of section 5747.05 of the Revised Code; | 3531 3532 |
| The credit for a resident's out-of-state income under division (B) of section 5747.05 of the Revised Code; | 3533 3534 |
| The refundable motion picture and Broadway theatrical production credit under section 5747.66 of the Revised Code; | 3535 3536 |
| The refundable jobs creation credit or job retention credit under division (A) of section 5747.058 of the Revised Code; | 3537 3538 3539 |
| The refundable credit for taxes paid by a qualifying entity granted under section 5747.059 of the Revised Code; | 3540 3541 |
| The refundable credits for taxes paid by a qualifying pass-through entity granted under division (I) of section 5747.08 of the Revised Code; | 3542 3543 3544 |
| The refundable credit under section 5747.80 of the Revised Code for losses on loans made to the Ohio venture capital program under sections 150.01 to 150.10 of the Revised Code; | 3545 3546 3547 |
| The refundable credit for rehabilitating a historic building under section 5747.76 of the Revised Code. | 3548 3549 |
| (B) For any credit, except the refundable credits enumerated in this section and the credit granted under division (H) of section 5747.08 of the Revised Code, the amount of the credit for a taxable year shall not exceed the taxpayer's aggregate amount of tax due under section 5747.02 of the Revised Code, after allowing for any other credit that precedes it in the order required under this section. Any excess amount of a particular credit may be carried forward if authorized under the section creating that credit. Nothing in this chapter shall be | 3550 3551 3552 3553 3554 3555 3556 3557 3558 |

construed to allow a taxpayer to claim, directly or indirectly, 3559
a credit more than once for a taxable year. 3560

Section 2. That existing sections 109.57, 2151.022, 3561
2152.02, 2152.16, 2923.125, 2923.128, 2923.1213, 2923.13, 3562
2923.21, 2923.211, 2929.28, 5122.311, 5747.08, and 5747.98 of 3563
the Revised Code are hereby repealed. 3564

Section 3. All items in this act are hereby appropriated 3565
as designated out of any moneys in the state treasury to the 3566
credit of the designated fund. For all operating appropriations 3567
made in this act, those in the first column are for fiscal year 3568
2022 and those in the second column are for fiscal year 2023. 3569
The operating appropriations made in this act are in addition to 3570
any other operating appropriations made for the FY 2022-FY 2023 3571
biennium. 3572

Section 4. 3573

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|---|------------------------------------|--------|-----------------------|-----|--------------|
| A | EDU DEPARTMENT OF EDUCATION | | | | |
| B | State Lottery Fund Group | | | | |
| C | 7017 | 200602 | School Climate Grants | \$0 | \$10,000,000 |
| D | TOTAL SLF State Lottery Fund Group | | | \$0 | \$10,000,000 |
| E | TOTAL ALL BUDGET FUND GROUPS | | | \$0 | \$10,000,000 |

SCHOOL CLIMATE GRANTS 3575

(A) The foregoing appropriation item 200602, School 3576

Climate Grants, shall be used to provide competitive grants to 3577
eligible applicants to implement positive behavior intervention 3578
and supports frameworks, evidence- or research-based social and 3579
emotional learning initiatives, or both, in eligible school 3580
buildings. 3581

(B) The Superintendent of Public Instruction shall 3582
administer and award the grants. The Superintendent shall 3583
prescribe an application form, establish procedures for the 3584
consideration and approval of grant applications, and determine 3585
the amount of the grant awards. 3586

(C) (1) Subject to division (C) (2) of this section, the 3587
Superintendent shall award the grants in the following order of 3588
priority: 3589

(a) First, to eligible applicants whose grant proposal 3590
serves one or more eligible school buildings whose percentage of 3591
students who are identified as economically disadvantaged is 3592
greater than the statewide average percentage of students who 3593
are identified as economically disadvantaged, as determined by 3594
the Superintendent; 3595

(b) Second, to eligible applicants whose grant proposal 3596
serves one or more eligible school buildings with high 3597
suspension rates, as determined by the Superintendent; 3598

(c) Third, to eligible applicants who were not awarded a 3599
grant under either division (C) (1) (a) or (b) of this section in 3600
the order in which the applications were received. 3601

(2) If, for a fiscal year, the amount appropriated for the 3602
grants awarded under this section is insufficient to provide 3603
grants to all eligible applicants within a priority level 3604
specified in division (C) (1) of this section, the Superintendent 3605

shall first award grants within that priority level to eligible 3606
applicants whose grant proposal serves one or more eligible 3607
school buildings that previously have not been served through a 3608
grant disbursed from the foregoing appropriation item 200602, 3609
School Climate Grants. 3610

(D) The Superintendent may enter into a written grant 3611
agreement with each eligible applicant awarded a grant under 3612
this section that includes the terms and conditions governing 3613
the use of the funds. The Superintendent may monitor a 3614
recipient's use of the funds to ensure that the funds are used 3615
in accordance with the grant agreement. 3616

(E) A grant awarded to an eligible applicant under this 3617
section shall not exceed \$25,000 per eligible school building 3618
served in the eligible applicant's grant proposal, up to a 3619
maximum of \$250,000. 3620

(F) Notwithstanding any provision of law to the contrary, 3621
grants awarded under this section may be used by grant 3622
recipients for grant-related expenses for a period not to exceed 3623
two years from the date of the award, according to guidelines 3624
established by the Superintendent. 3625

(G) As used in this section: 3626

(1) "Eligible applicant" means a city, local, or exempted 3627
village school district or a community school established under 3628
Chapter 3314. of the Revised Code. 3629

(2) "Eligible school building" means a building of an 3630
eligible applicant that serves any of grades kindergarten 3631
through twelve. 3632

Section 5. Within the limits set forth in this act, the 3633
Director of Budget and Management shall establish accounts 3634

indicating the source and amount of funds for each appropriation 3635
made in this act, and shall determine the form and manner in 3636
which appropriation accounts shall be maintained. Expenditures 3637
from operating appropriations contained in this act shall be 3638
accounted for as though made in H.B. 110 of the 134th General 3639
Assembly. The operating appropriations made in this act are 3640
subject to all provisions of H.B. 110 of the 134th General 3641
Assembly that are generally applicable to such appropriations. 3642

Section 6. The amendment or enactment by this act of 3643
sections 5747.08, 5747.83, and 5747.98 of the Revised Code 3644
applies to taxable years beginning on or after January 1, 2022. 3645

Section 7. Pursuant to division (G) of section 5703.95 of 3646
the Revised Code, which states that any bill introduced in the 3647
House of Representatives or the Senate that proposes to enact or 3648
modify one or more tax expenditures should include a statement 3649
explaining the objectives of the tax expenditure or its 3650
modification and the sponsor's intent in proposing the tax 3651
expenditure or its modification: 3652

The objective of this act is to help ensure the safety of 3653
all Ohioans by increasing the usage of firearms safety storage 3654
units. Law abiding citizens should want to use every safety 3655
measure available in being responsible gun owners. 3656

Section 8. This act shall be known as the Defend Our 3657
Children Act. 3658

Section 9. The General Assembly, applying the principle 3659
stated in division (B) of section 1.52 of the Revised Code that 3660
amendments are to be harmonized if reasonably capable of 3661
simultaneous operation, finds that the following sections, 3662
presented in this act as composites of the sections as amended 3663

by the acts indicated, are the resulting versions of the 3664
sections in effect prior to the effective date of the sections 3665
as presented in this act: 3666

Section 2923.1213 of the Revised Code as amended by both 3667
H.B. 234 and S.B. 43 of the 130th General Assembly. 3668

Section 2923.13 of the Revised Code as amended by both Am. 3669
Sub. H.B. 234 and Am. Sub. S.B. 43 of the 130th General 3670
Assembly. 3671