

**As Passed by the Senate**

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**S. B. No. 239**

**Senators Jones, Schaffer**

**Cosponsors: Senators Buehrer, Carey, Cafaro, Faber, Gibbs, Grendell,  
Husted, Niehaus, Seitz, Wagoner, Cates, Coughlin, Harris, Widener, Wilson**

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**A B I L L**

To amend sections 2923.121, 2923.128, and 2923.16 of 1  
the Revised Code to permit a concealed carry 2  
licensee to possess a firearm in liquor permit 3  
premises, or an open air arena, for which a D 4  
permit has been issued if the licensee is not 5  
consuming liquor or under the influence of alcohol 6  
or a drug of abuse and to modify the offense of 7  
improperly handling firearms in a motor vehicle as 8  
it applies to concealed carry licensees. 9

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

**Section 1.** That sections 2923.121, 2923.128, and 2923.16 of 10  
the Revised Code be amended to read as follows: 11

**Sec. 2923.121.** (A) No person shall possess a firearm in any 12  
room in which any person is consuming liquor in premises for which 13  
a D permit has been issued under Chapter 4303. of the Revised Code 14  
or in an open air arena for which a permit of that nature has been 15  
issued. 16

(B)(1) This section does not apply to any of the following: 17

(a) An officer, agent, or employee of this or any other state 18

or the United States, or to a law enforcement officer, who is 19  
authorized to carry firearms and is acting within the scope of the 20  
officer's, agent's, or employee's duties; 21

(b) Any person who is employed in this state, who is 22  
authorized to carry firearms, and who is subject to and in 23  
compliance with the requirements of section 109.801 of the Revised 24  
Code, unless the appointing authority of the person has expressly 25  
specified that the exemption provided in division (B)(1)(b) of 26  
this section does not apply to the person; 27

(c) Any room used for the accommodation of guests of a hotel, 28  
as defined in section 4301.01 of the Revised Code; 29

(d) The principal holder of a D permit issued for premises or 30  
an open air arena under Chapter 4303. of the Revised Code while in 31  
the premises or open air arena for which the permit was issued if 32  
the principal holder of the D permit also possesses a valid 33  
license or temporary emergency license to carry a concealed 34  
handgun issued to the principal holder under section 2923.125 or 35  
2923.1213 of the Revised Code or a license to carry a concealed 36  
handgun that was issued to the principal holder by another state 37  
with which the attorney general has entered into a reciprocity 38  
agreement under section 109.69 of the Revised Code and as long as 39  
the principal holder is not consuming liquor or under the 40  
influence of alcohol or a drug of abuse, or any agent or employee 41  
of that holder who also is a peace officer, as defined in section 42  
2151.3515 of the Revised Code, who is off duty, and who otherwise 43  
is authorized to carry firearms while in the course of the 44  
officer's official duties and while in the premises or open air 45  
arena for which the permit was issued and as long as the agent or 46  
employee of that holder is not consuming liquor or under the 47  
influence of alcohol or a drug of abuse. 48

(e) Any person who is carrying a valid license or temporary 49  
emergency license to carry a concealed handgun issued to the 50

person under section 2923.125 or 2923.1213 of the Revised Code or 51  
a license to carry a concealed handgun that was issued to the 52  
person by another state with which the attorney general has 53  
entered into a reciprocity agreement under section 109.69 of the 54  
Revised Code ~~and who possesses the firearm in a retail store with~~ 55  
~~D-6 and D-8 permits issued for that store under sections 4303.182~~ 56  
~~and 4303.184 of the Revised Code or a D-8 permit issued for that~~ 57  
~~store under section 4303.184 of the Revised Code~~, as long as the 58  
person is not consuming liquor or under the influence of alcohol 59  
or a drug of abuse. 60

(2) This section does not prohibit any person who is a member 61  
of a veteran's organization, as defined in section 2915.01 of the 62  
Revised Code, from possessing a rifle in any room in any premises 63  
owned, leased, or otherwise under the control of the veteran's 64  
organization, if the rifle is not loaded with live ammunition and 65  
if the person otherwise is not prohibited by law from having the 66  
rifle. 67

(3) This section does not apply to any person possessing or 68  
displaying firearms in any room used to exhibit unloaded firearms 69  
for sale or trade in a soldiers' memorial established pursuant to 70  
Chapter 345. of the Revised Code, in a convention center, or in 71  
any other public meeting place, if the person is an exhibitor, 72  
trader, purchaser, or seller of firearms and is not otherwise 73  
prohibited by law from possessing, trading, purchasing, or selling 74  
the firearms. 75

(C) It is an affirmative defense to a charge under this 76  
section of illegal possession of a firearm in liquor permit 77  
premises that involves the possession of a firearm other than a 78  
handgun, that the actor was not otherwise prohibited by law from 79  
having the firearm, and that any of the following apply: 80

(1) The firearm was carried or kept ready at hand by the 81  
actor for defensive purposes, while the actor was engaged in or 82

was going to or from the actor's lawful business or occupation, 83  
which business or occupation was of such character or was 84  
necessarily carried on in such manner or at such a time or place 85  
as to render the actor particularly susceptible to criminal 86  
attack, such as would justify a prudent person in going armed. 87

(2) The firearm was carried or kept ready at hand by the 88  
actor for defensive purposes, while the actor was engaged in a 89  
lawful activity, and had reasonable cause to fear a criminal 90  
attack upon the actor or a member of the actor's family, or upon 91  
the actor's home, such as would justify a prudent person in going 92  
armed. 93

(D) No person who is charged with a violation of this section 94  
shall be required to obtain a license or temporary emergency 95  
license to carry a concealed handgun under section 2923.125 or 96  
2923.1213 of the Revised Code as a condition for the dismissal of 97  
the charge. 98

(E) Whoever violates this section is guilty of illegal 99  
possession of a firearm in liquor permit premises. Except as 100  
otherwise provided in this division, illegal possession of a 101  
firearm in liquor permit premises is a felony of the fifth degree. 102  
If the offender commits the violation of this section by knowingly 103  
carrying or having the firearm concealed on the offender's person 104  
or concealed ready at hand, illegal possession of a firearm in 105  
liquor permit premises is a felony of the third degree. 106

**Sec. 2923.128.** (A)(1)(a) If a licensee holding a valid 107  
license issued under section 2923.125 or 2923.1213 of the Revised 108  
Code is arrested for or otherwise charged with an offense 109  
described in division (D)(1)(d) of section 2923.125 of the Revised 110  
Code or with a violation of section 2923.15 of the Revised Code or 111  
becomes subject to a temporary protection order or to a protection 112  
order issued by a court of another state that is substantially 113

equivalent to a temporary protection order, the sheriff who issued 114  
the license or temporary emergency license shall suspend it and 115  
shall comply with division (A)(3) of this section upon becoming 116  
aware of the arrest, charge, or protection order. Upon suspending 117  
the license or temporary emergency license, the sheriff also shall 118  
comply with division (H) of section 2923.125 of the Revised Code. 119

(b) A suspension under division (A)(1)(a) of this section 120  
shall be considered as beginning on the date that the licensee is 121  
arrested for or otherwise charged with an offense described in 122  
that division or on the date the appropriate court issued the 123  
protection order described in that division, irrespective of when 124  
the sheriff notifies the licensee under division (A)(3) of this 125  
section. The suspension shall end on the date on which the charges 126  
are dismissed or the licensee is found not guilty of the offense 127  
described in division (A)(1)(a) of this section or, subject to 128  
division (B) of this section, on the date the appropriate court 129  
terminates the protection order described in that division. If the 130  
suspension so ends, the sheriff shall return the license or 131  
temporary emergency license to the licensee. 132

(2)(a) If a licensee holding a valid license issued under 133  
section 2923.125 or 2923.1213 of the Revised Code is convicted of 134  
or pleads guilty to a misdemeanor violation of division (B)(1), 135  
(2), or (4) of section 2923.12 of the Revised Code or of division 136  
(E)(1), (2), (3), ~~(4)~~, or ~~(6)~~(5) of section 2923.16 of the Revised 137  
Code, except as provided in division (A)(2)(c) of this section and 138  
subject to division (C) of this section, the sheriff who issued 139  
the license or temporary emergency license shall suspend it and 140  
shall comply with division (A)(3) of this section upon becoming 141  
aware of the conviction or guilty plea. Upon suspending the 142  
license or temporary emergency license, the sheriff also shall 143  
comply with division (H) of section 2923.125 of the Revised Code. 144

(b) A suspension under division (A)(2)(a) of this section 145

shall be considered as beginning on the date that the licensee is 146  
convicted of or pleads guilty to the offense described in that 147  
division, irrespective of when the sheriff notifies the licensee 148  
under division (A)(3) of this section. If the suspension is 149  
imposed for a misdemeanor violation of division (B)(1) or (2) of 150  
section 2923.12 of the Revised Code or of division (E)(1), (2), or 151  
(3) ~~or (4)~~ of section 2923.16 of the Revised Code, it shall end on 152  
the date that is one year after the date that the licensee is 153  
convicted of or pleads guilty to that violation. If the suspension 154  
is imposed for a misdemeanor violation of division (B)(4) of 155  
section 2923.12 of the Revised Code or of division (E)(~~6~~)(5) of 156  
section 2923.16 of the Revised Code, it shall end on the date that 157  
is two years after the date that the licensee is convicted of or 158  
pleads guilty to that violation. If the licensee's license was 159  
issued under section 2923.125 of the Revised Code and the license 160  
remains valid after the suspension ends as described in this 161  
division, when the suspension ends, the sheriff shall return the 162  
license to the licensee. If the licensee's license was issued 163  
under section 2923.125 of the Revised Code and the license expires 164  
before the suspension ends as described in this division, or if 165  
the licensee's license was issued under section 2923.1213 of the 166  
Revised Code, the licensee is not eligible to apply for a new 167  
license under section 2923.125 or 2923.1213 of the Revised Code or 168  
to renew the license under section 2923.125 of the Revised Code 169  
until after the suspension ends as described in this division. 170

(c) The license of a licensee who is convicted of or pleads 171  
guilty to a violation of division (B)(1) of section 2923.12 or 172  
division (E)(~~3~~)(1) or (2) of section 2923.16 of the Revised Code 173  
shall not be suspended pursuant to division (A)(2)(a) of this 174  
section if, at the time of the stop of the licensee for a law 175  
enforcement purpose, for a traffic stop, or for a purpose defined 176  
in section 5503.34 of the Revised Code that was the basis of the 177  
violation, any law enforcement officer involved with the stop or 178

the employee of the motor carrier enforcement unit who made the 179  
stop had actual knowledge of the licensee's status as a licensee. 180

(3) Upon becoming aware of an arrest, charge, or protection 181  
order described in division (A)(1)(a) of this section with respect 182  
to a licensee who was issued a license under section 2923.125 or 183  
2923.1213 of the Revised Code, or a conviction of or plea of 184  
guilty to a misdemeanor offense described in division (A)(2)(a) of 185  
this section with respect to a licensee who was issued a license 186  
under either section and with respect to which division (A)(2)(c) 187  
of this section does not apply, subject to division (C) of this 188  
section, the sheriff who issued the licensee's license or 189  
temporary emergency license to carry a concealed handgun shall 190  
notify the licensee, by certified mail, return receipt requested, 191  
at the licensee's last known residence address that the license or 192  
temporary emergency license has been suspended and that the 193  
licensee is required to surrender the license or temporary 194  
emergency license at the sheriff's office within ten days of the 195  
date on which the notice was mailed. If the suspension is pursuant 196  
to division (A)(2) of this section, the notice shall identify the 197  
date on which the suspension ends. 198

(B)(1) A sheriff who issues a license or temporary emergency 199  
license to carry a concealed handgun to a licensee under section 200  
2923.125 or 2923.1213 of the Revised Code shall revoke the license 201  
or temporary emergency license in accordance with division (B)(2) 202  
of this section upon becoming aware that the licensee satisfies 203  
any of the following: 204

(a) The licensee is under twenty-one years of age. 205

(b) Subject to division (C) of this section, at the time of 206  
the issuance of the license or temporary emergency license, the 207  
licensee did not satisfy the eligibility requirements of division 208  
(D)(1)(c), (d), (e), (f), (g), or (h) of section 2923.125 of the 209  
Revised Code. 210

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

(d) On or after the date on which the license or temporary emergency license was issued, the licensee becomes subject to a civil protection order or to a protection order issued by a court of another state that is substantially equivalent to a civil protection order.

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

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

(g) At the time of the issuance of the license or temporary emergency license, the licensee did not meet the residency requirements described in division (D)(1) of section 2923.125 of the Revised Code and currently does not meet the residency requirements described in that division.

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

(2) Upon becoming aware of any circumstance listed in division (B)(1) of this section that applies to a particular licensee who was issued a license under section 2923.125 or 2923.1213 of the Revised Code, subject to division (C) of this section, the sheriff who issued the license or temporary emergency license to carry a concealed handgun to the licensee shall notify

the licensee, by certified mail, return receipt requested, at the 242  
licensee's last known residence address that the license or 243  
temporary emergency license is subject to revocation and that the 244  
licensee may come to the sheriff's office and contest the 245  
sheriff's proposed revocation within fourteen days of the date on 246  
which the notice was mailed. After the fourteen-day period and 247  
after consideration of any information that the licensee provides 248  
during that period, if the sheriff determines on the basis of the 249  
information of which the sheriff is aware that the licensee is 250  
described in division (B)(1) of this section and no longer 251  
satisfies the requirements described in division (D)(1) of section 252  
2923.125 of the Revised Code that are applicable to the licensee's 253  
type of license, the sheriff shall revoke the license or temporary 254  
emergency license, notify the licensee of that fact, and require 255  
the licensee to surrender the license or temporary emergency 256  
license. Upon revoking the license or temporary emergency license, 257  
the sheriff also shall comply with division (H) of section 258  
2923.125 of the Revised Code. 259

(C) If a sheriff who issues a license or temporary emergency 260  
license to carry a concealed handgun to a licensee under section 261  
2923.125 or 2923.1213 of the Revised Code becomes aware that at 262  
the time of the issuance of the license or temporary emergency 263  
license the licensee had been convicted of or pleaded guilty to an 264  
offense identified in division (D)(1)(e), (f), or (h) of section 265  
2923.125 of the Revised Code or had been adjudicated a delinquent 266  
child for committing an act or violation identified in any of 267  
those divisions or becomes aware that on or after the date on 268  
which the license or temporary emergency license was issued the 269  
licensee has been convicted of or pleaded guilty to an offense 270  
identified in division (A)(2)(a) or (B)(1)(c) of this section, the 271  
sheriff shall not consider that conviction, guilty plea, or 272  
adjudication as having occurred for purposes of divisions (A)(2), 273  
(A)(3), (B)(1), and (B)(2) of this section if a court has ordered 274

the sealing or expungement of the records of that conviction, 275  
guilty plea, or adjudication pursuant to sections 2151.355 to 276  
2151.358 or sections 2953.31 to 2953.36 of the Revised Code or a 277  
court has granted the licensee relief pursuant to section 2923.14 278  
of the Revised Code from the disability imposed pursuant to 279  
section 2923.13 of the Revised Code relative to that conviction, 280  
guilty plea, or adjudication. 281

(D) As used in this section, "motor carrier enforcement unit" 282  
has the same meaning as in section 2923.16 of the Revised Code. 283

**Sec. 2923.16.** (A) No person shall knowingly discharge a 284  
firearm while in or on a motor vehicle. 285

(B) No person shall knowingly transport or have a loaded 286  
firearm in a motor vehicle in such a manner that the firearm is 287  
accessible to the operator or any passenger without leaving the 288  
vehicle. 289

(C) No person shall knowingly transport or have a firearm in 290  
a motor vehicle, unless the person may lawfully possess that 291  
firearm under applicable law of this state or the United States, 292  
the firearm is unloaded, and the firearm is carried in one of the 293  
following ways: 294

(1) In a closed package, box, or case; 295

(2) In a compartment that can be reached only by leaving the 296  
vehicle; 297

(3) In plain sight and secured in a rack or holder made for 298  
the purpose; 299

(4) If the firearm is at least twenty-four inches in overall 300  
length as measured from the muzzle to the part of the stock 301  
furthest from the muzzle and if the barrel is at least eighteen 302  
inches in length, either in plain sight with the action open or 303  
the weapon stripped, or, if the firearm is of a type on which the 304

action will not stay open or which cannot easily be stripped, in 305  
plain sight. 306

(D) No person shall knowingly transport or have a loaded 307  
handgun in a motor vehicle if, at the time of that transportation 308  
or possession, any of the following applies: 309

(1) The person is under the influence of alcohol, a drug of 310  
abuse, or a combination of them. 311

(2) The person's whole blood, blood serum or plasma, breath, 312  
or urine contains a concentration of alcohol, a listed controlled 313  
substance, or a listed metabolite of a controlled substance 314  
prohibited for persons operating a vehicle, as specified in 315  
division (A) of section 4511.19 of the Revised Code, regardless of 316  
whether the person at the time of the transportation or possession 317  
as described in this division is the operator of or a passenger in 318  
the motor vehicle. 319

(E) No person who has been issued a license or temporary 320  
emergency license to carry a concealed handgun under section 321  
2923.125 or 2923.1213 of the Revised Code ~~shall do any of the~~ 322  
~~following:~~ 323

~~(1) Knowingly transport or have a loaded handgun in a motor 324  
vehicle unless one of the following applies:~~ 325

~~(a) The loaded handgun is in a holster on the person's 326  
person.~~ 327

~~(b) The loaded handgun is in a closed case, bag, box, or 328  
other container that is in plain sight and that has a lid, a 329  
cover, or a closing mechanism with a zipper, snap, or buckle, 330  
which lid, cover, or closing mechanism must be opened for a person 331  
to gain access to the handgun.~~ 332

~~(c) The loaded handgun is securely encased by being stored in 333  
a closed glove compartment or vehicle console or in a case that is 334~~

~~locked.~~ 335

~~(2) If the person is transporting or has a loaded handgun in 336  
a motor vehicle in a manner authorized under division (E)(1) of 337  
this section, knowingly remove or attempt to remove the loaded 338  
handgun from the holster, case, bag, box, container, or glove 339  
compartment, knowingly grasp or hold the loaded handgun, or 340  
knowingly have contact with the loaded handgun by touching it with 341  
the person's hands or fingers while the motor vehicle is being 342  
operated on a street, highway, or public property unless the 343  
person removes, attempts to remove, grasps, holds, or has the 344  
contact with the loaded handgun pursuant to and in accordance with 345  
directions given by a law enforcement officer;~~ 346

~~(3) If the person or a license to carry a concealed handgun 347  
that was issued to the person by another state with which the 348  
attorney general has entered into a reciprocity agreement under 349  
section 109.69 of the Revised Code, who is the driver or an 350  
occupant of a motor vehicle that is stopped as a result of a 351  
traffic stop or a stop for another law enforcement purpose or is 352  
the driver or an occupant of a commercial motor vehicle that is 353  
stopped by an employee of the motor carrier enforcement unit for 354  
the purposes defined in section 5503.34 of the Revised Code, and 355  
~~if the person who is transporting or has a loaded handgun in the 356  
motor vehicle or commercial motor vehicle in any manner, fail to 357  
shall do any of the following ~~that is applicable:~~~~ 358~~

~~(a) If the person is the driver or an occupant of a motor 359  
vehicle stopped as a result of a traffic stop or a stop for 360  
another law enforcement purpose, fail (1) Fail to promptly inform 361  
any law enforcement officer who approaches the vehicle while 362  
stopped that the person has been issued a license or temporary 363  
emergency license to carry a concealed handgun and that the person 364  
then possesses or has a loaded handgun in the motor vehicle;~~ 365

~~(b) If the person is the driver or an occupant of a 366~~

~~commercial motor vehicle stopped by an employee of the motor 367  
carrier enforcement unit for any of the defined purposes, fail (2) 368  
Fail to promptly inform the employee of the unit who approaches 369  
the vehicle while stopped that the person has been issued a 370  
license or temporary emergency license to carry a concealed 371  
handgun and that the person then possesses or has a loaded handgun 372  
in the commercial motor vehicle. 373~~

~~(4) If the person is the driver or an occupant of a motor 374  
vehicle that is stopped as a result of a traffic stop or a stop 375  
for another law enforcement purpose and if the person is 376  
transporting or has a loaded handgun in the motor vehicle in any 377  
manner, knowingly; 378~~

~~(3) Knowingly fail to remain in the motor vehicle while 379  
stopped or knowingly fail to keep the person's hands in plain 380  
sight at any time after any law enforcement officer begins 381  
approaching the person while stopped and before the law 382  
enforcement officer leaves, unless the failure is pursuant to and 383  
in accordance with directions given by a law enforcement officer; 384~~

~~(5) If the person is the driver or an occupant of a motor 385  
vehicle that is stopped as a result of a traffic stop or a stop 386  
for another law enforcement purpose, if the person is transporting 387  
or has a loaded handgun in the motor vehicle in a manner 388  
authorized under division (E)(1) of this section, and if the 389  
person is approached by any law enforcement officer while stopped, 390  
knowingly remove or attempt to remove the loaded handgun from the 391  
holster, case, bag, box, container, or glove compartment, 392  
knowingly grasp or hold the loaded handgun, or knowingly (4) 393  
Knowingly have contact with the loaded handgun by touching it with 394  
the person's hands or fingers in the motor vehicle at any time 395  
after the law enforcement officer begins approaching and before 396  
the law enforcement officer leaves, unless the person removes, 397  
attempts to remove, grasps, holds, or has contact with the loaded 398~~

handgun pursuant to and in accordance with directions given by the 399  
law enforcement officer; 400

~~(6) If the person is the driver or an occupant of a motor 401  
vehicle that is stopped as a result of a traffic stop or a stop 402  
for another law enforcement purpose and if the person is 403  
transporting or has a loaded handgun in the motor vehicle in any 404  
manner, knowingly (5) Knowingly disregard or fail to comply with 405  
any lawful order of any law enforcement officer given while the 406  
motor vehicle is stopped, including, but not limited to, a 407  
specific order to the person to keep the person's hands in plain 408  
sight. 409~~

(F)(1) Divisions (A), (B), (C), and (E) of this section do 410  
not apply to any of the following: 411

(a) An officer, agent, or employee of this or any other state 412  
or the United States, or a law enforcement officer, when 413  
authorized to carry or have loaded or accessible firearms in motor 414  
vehicles and acting within the scope of the officer's, agent's, or 415  
employee's duties; 416

(b) Any person who is employed in this state, who is 417  
authorized to carry or have loaded or accessible firearms in motor 418  
vehicles, and who is subject to and in compliance with the 419  
requirements of section 109.801 of the Revised Code, unless the 420  
appointing authority of the person has expressly specified that 421  
the exemption provided in division (F)(1)(b) of this section does 422  
not apply to the person. 423

(2) Division (A) of this section does not apply to a person 424  
if all of the following circumstances apply: 425

(a) The person discharges a firearm from a motor vehicle at a 426  
coyote or groundhog, the discharge is not during the deer gun 427  
hunting season as set by the chief of the division of wildlife of 428  
the department of natural resources, and the discharge at the 429

coyote or groundhog, but for the operation of this section, is 430  
lawful. 431

(b) The motor vehicle from which the person discharges the 432  
firearm is on real property that is located in an unincorporated 433  
area of a township and that either is zoned for agriculture or is 434  
used for agriculture. 435

(c) The person owns the real property described in division 436  
(F)(2)(b) of this section, is the spouse or a child of another 437  
person who owns that real property, is a tenant of another person 438  
who owns that real property, or is the spouse or a child of a 439  
tenant of another person who owns that real property. 440

(d) The person does not discharge the firearm in any of the 441  
following manners: 442

(i) While under the influence of alcohol, a drug of abuse, or 443  
alcohol and a drug of abuse; 444

(ii) In the direction of a street, highway, or other public 445  
or private property used by the public for vehicular traffic or 446  
parking; 447

(iii) At or into an occupied structure that is a permanent or 448  
temporary habitation; 449

(iv) In the commission of any violation of law, including, 450  
but not limited to, a felony that includes, as an essential 451  
element, purposely or knowingly causing or attempting to cause the 452  
death of or physical harm to another and that was committed by 453  
discharging a firearm from a motor vehicle. 454

(3) Division (A) of this section does not apply to a person 455  
if all of the following apply: 456

(a) The person possesses a valid electric-powered all-purpose 457  
vehicle permit issued under section 1533.103 of the Revised Code 458  
by the chief of the division of wildlife. 459

(b) The person discharges a firearm at a wild quadruped or 460  
game bird as defined in section 1531.01 of the Revised Code during 461  
the open hunting season for the applicable wild quadruped or game 462  
bird. 463

(c) The person discharges a firearm from a stationary 464  
electric-powered all-purpose vehicle as defined in section 1531.01 465  
of the Revised Code or a motor vehicle that is parked on a road 466  
that is owned or administered by the division of wildlife, 467  
provided that the road is identified by an electric-powered 468  
all-purpose vehicle sign. 469

(d) The person does not discharge the firearm in any of the 470  
following manners: 471

(i) While under the influence of alcohol, a drug of abuse, or 472  
alcohol and a drug of abuse; 473

(ii) In the direction of a street, a highway, or other public 474  
or private property that is used by the public for vehicular 475  
traffic or parking; 476

(iii) At or into an occupied structure that is a permanent or 477  
temporary habitation; 478

(iv) In the commission of any violation of law, including, 479  
but not limited to, a felony that includes, as an essential 480  
element, purposely or knowingly causing or attempting to cause the 481  
death of or physical harm to another and that was committed by 482  
discharging a firearm from a motor vehicle. 483

(4) Divisions (B) and (C) of this section do not apply to a 484  
person if all of the following circumstances apply: 485

(a) At the time of the alleged violation of either of those 486  
divisions, the person is the operator of or a passenger in a motor 487  
vehicle. 488

(b) The motor vehicle is on real property that is located in 489

an unincorporated area of a township and that either is zoned for 490  
agriculture or is used for agriculture. 491

(c) The person owns the real property described in division 492  
(D)(4)(b) of this section, is the spouse or a child of another 493  
person who owns that real property, is a tenant of another person 494  
who owns that real property, or is the spouse or a child of a 495  
tenant of another person who owns that real property. 496

(d) The person, prior to arriving at the real property 497  
described in division (D)(4)(b) of this section, did not transport 498  
or possess a firearm in the motor vehicle in a manner prohibited 499  
by division (B) or (C) of this section while the motor vehicle was 500  
being operated on a street, highway, or other public or private 501  
property used by the public for vehicular traffic or parking. 502

(5) Divisions (B) and (C) of this section do not apply to a 503  
person who transports or possesses a handgun in a motor vehicle 504  
if, at the time of that transportation or possession, all both of 505  
the following apply: 506

(a) The person transporting or possessing the handgun is 507  
carrying a valid license or temporary emergency license to carry a 508  
concealed handgun issued to the person under section 2923.125 or 509  
2923.1213 of the Revised Code or a license to carry a concealed 510  
handgun that was issued by another state with which the attorney 511  
general has entered into a reciprocity agreement under section 512  
109.69 of the Revised Code. 513

(b) The person transporting or possessing the handgun is not 514  
knowingly in a place described in division (B) of section 2923.126 515  
of the Revised Code. 516

~~(c) One of the following applies:~~ 517

~~(i) The handgun is in a holster on the person's person.~~ 518

~~(ii) The handgun is in a closed case, bag, box, or other~~ 519

~~container that is in plain sight and that has a lid, a cover, or a 520  
closing mechanism with a zipper, snap, or buckle, which lid, 521  
cover, or closing mechanism must be opened for a person to gain 522  
access to the handgun. 523~~

~~(iii) The handgun is securely encased by being stored in a 524  
closed glove compartment or vehicle console or in a case that is 525  
locked. 526~~

(6) Divisions (B) and (C) of this section do not apply to a 527  
person if all of the following apply: 528

(a) The person possesses a valid electric-powered all-purpose 529  
vehicle permit issued under section 1533.103 of the Revised Code 530  
by the chief of the division of wildlife. 531

(b) The person is on or in an electric-powered all-purpose 532  
vehicle as defined in section 1531.01 of the Revised Code or a 533  
motor vehicle during the open hunting season for a wild quadruped 534  
or game bird. 535

(c) The person is on or in an electric-powered all-purpose 536  
vehicle as defined in section 1531.01 of the Revised Code or a 537  
motor vehicle that is parked on a road that is owned or 538  
administered by the division of wildlife, provided that the road 539  
is identified by an electric-powered all-purpose vehicle sign. 540

(G)(1) The affirmative defenses authorized in divisions 541  
(D)(1) and (2) of section 2923.12 of the Revised Code are 542  
affirmative defenses to a charge under division (B) or (C) of this 543  
section that involves a firearm other than a handgun. 544

(2) It is an affirmative defense to a charge under division 545  
(B) or (C) of this section of improperly handling firearms in a 546  
motor vehicle that the actor transported or had the firearm in the 547  
motor vehicle for any lawful purpose and while the motor vehicle 548  
was on the actor's own property, provided that this affirmative 549  
defense is not available unless the person, immediately prior to 550

arriving at the actor's own property, did not transport or possess 551  
the firearm in a motor vehicle in a manner prohibited by division 552  
(B) or (C) of this section while the motor vehicle was being 553  
operated on a street, highway, or other public or private property 554  
used by the public for vehicular traffic. 555

(H) No person who is charged with a violation of division 556  
(B), (C), or (D) of this section shall be required to obtain a 557  
license or temporary emergency license to carry a concealed 558  
handgun under section 2923.125 or 2923.1213 of the Revised Code as 559  
a condition for the dismissal of the charge. 560

(I) Whoever violates this section is guilty of improperly 561  
handling firearms in a motor vehicle. Violation of division (A) of 562  
this section is a felony of the fourth degree. Violation of 563  
division (C) of this section is a misdemeanor of the fourth 564  
degree. A violation of division (D) of this section is a felony of 565  
the fifth degree or, if the loaded handgun is concealed on the 566  
person's person, a felony of the fourth degree. Except as 567  
otherwise provided in this division, a violation of division 568  
(E)~~(3)~~(1) or (2) of this section is a misdemeanor of the first 569  
degree, and, in addition to any other penalty or sanction imposed 570  
for the violation, the offender's license or temporary emergency 571  
license to carry a concealed handgun shall be suspended pursuant 572  
to division (A)(2) of section 2923.128 of the Revised Code. If at 573  
the time of the stop of the offender for a traffic stop, for 574  
another law enforcement purpose, or for a purpose defined in 575  
section 5503.34 of the Revised Code that was the basis of the 576  
violation any law enforcement officer involved with the stop or 577  
the employee of the motor carrier enforcement unit who made the 578  
stop had actual knowledge of the offender's status as a licensee, 579  
a violation of division (E)~~(3)~~(1) or (2) of this section is a 580  
minor misdemeanor, and the offender's license or temporary 581  
emergency license to carry a concealed handgun shall not be 582

suspended pursuant to division (A)(2) of section 2923.128 of the Revised Code. A violation of division (E)~~(1), (2), or (5)~~(4) of this section is a felony of the fifth degree. A violation of division (E)~~(4)~~(3) or ~~(6)~~(5) of this section is a misdemeanor of the first degree or, if the offender previously has been convicted of or pleaded guilty to a violation of division (E)~~(4)~~(3) or ~~(6)~~(5) of this section, a felony of the fifth degree. In addition to any other penalty or sanction imposed for a misdemeanor violation of division (E)~~(4)~~(3) or ~~(6)~~(5) of this section, the offender's license or temporary emergency license to carry a concealed handgun shall be suspended pursuant to division (A)(2) of section 2923.128 of the Revised Code. A violation of division (B) of this section is ~~whichever of the following is applicable:~~

~~(1) If, at the time of the transportation or possession in violation of division (B) of this section, the offender was carrying a valid license or temporary emergency license to carry a concealed handgun issued to the offender under section 2923.125 or 2923.1213 of the Revised Code or a license to carry a concealed handgun that was issued by another state with which the attorney general has entered into a reciprocity agreement under section 109.69 of the Revised Code and the offender was not knowingly in a place described in division (B) of section 2923.126 of the Revised Code, the violation is a misdemeanor of the first degree or, if the offender previously has been convicted of or pleaded guilty to a violation of division (B) of this section, a felony of the fourth degree.~~

~~(2) If division (I)(1) of this section does not apply, a felony of the fourth degree.~~

(J) If a law enforcement officer stops a motor vehicle for a traffic stop or any other purpose, if any person in the motor vehicle surrenders a firearm to the officer, either voluntarily or pursuant to a request or demand of the officer, and if the officer

does not charge the person with a violation of this section or 615  
arrest the person for any offense, the person is not otherwise 616  
prohibited by law from possessing the firearm, and the firearm is 617  
not contraband, the officer shall return the firearm to the person 618  
at the termination of the stop. If a court orders a law 619  
enforcement officer to return a firearm to a person pursuant to 620  
the requirement set forth in this division, division (B) of 621  
section 2923.163 of the Revised Code applies. 622

(K) As used in this section: 623

(1) "Motor vehicle," "street," and "highway" have the same 624  
meanings as in section 4511.01 of the Revised Code. 625

(2) "Occupied structure" has the same meaning as in section 626  
2909.01 of the Revised Code. 627

(3) "Agriculture" has the same meaning as in section 519.01 628  
of the Revised Code. 629

(4) "Tenant" has the same meaning as in section 1531.01 of 630  
the Revised Code. 631

(5) "Unloaded" means any of the following: 632

(a) No ammunition is in the firearm in question, and no 633  
ammunition is loaded into a magazine or speed loader that may be 634  
used with the firearm in question and that is located anywhere 635  
within the vehicle in question, without regard to where ammunition 636  
otherwise is located within the vehicle in question. For the 637  
purposes of division (K)(5)(a) of this section, ammunition held in 638  
stripper-clips or in en-bloc clips is not considered ammunition 639  
that is loaded into a magazine or speed loader. 640

(b) With respect to a firearm employing a percussion cap, 641  
flintlock, or other obsolete ignition system, when the weapon is 642  
uncapped or when the priming charge is removed from the pan. 643

(6) "Commercial motor vehicle" has the same meaning as in 644

division (A) of section 4506.25 of the Revised Code. 645

(7) "Motor carrier enforcement unit" means the motor carrier 646  
enforcement unit in the department of public safety, division of 647  
state highway patrol, that is created by section 5503.34 of the 648  
Revised Code. 649

**Section 2.** That existing sections 2923.121, 2923.128, and 650  
2923.16 of the Revised Code are hereby repealed. 651