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Representative Becker

Cosponsors: Representatives Antani, Arndt, Blessing, Brenner, Brinkman, Butler, Carfagna, Dean, Dever, Duffey, Faber, Gavarone, Ginter, Goodman, Greenspan, Hagan, Hambley, Henne, Hill, Hood, Householder, Huffman, Keller, Kick, Koehler, Landis, LaTourette, Lipps, McColley, Merrin, Patton, Pelanda, Perales, Rezabek, Riedel, Roegner, Romanchuk, Speaker Rosenberger, Representatives Schaffer, Scherer, Schuring, Seitz, Slaby, Smith, R., Sprague, Stein, Thompson, Vitale, Wiggam, Young, Zeltwanger, Retherford, Conditt, Cupp, Johnson

A BILL

To amend sections 2923.11, 2923.12, 2923.121,	1
2923.122, 2923.123, 2923.126, and 2923.1212 and	2
to enact section 2923.1214 of the Revised Code	3
to enact the "Decriminalization Effort For	4
Ending Notorious Deaths (DEFEND)" to provide an	5
opportunity for a concealed handgun licensee or	6
qualified military member to avoid charges for	7
carrying a deadly weapon into a prohibited place	8
if the person leaves upon request, and to	9
penalize failure to leave upon request or	10
returning with a firearm.	11

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

Section 1. That sections 2923.11, 2923.12, 2923.121,	12
2923.122, 2923.123, 2923.126, and 2923.1212 be amended and	13
section 2923.1214 of the Revised Code be enacted to read as	14

follows: 15

Sec. 2923.11. As used in sections 2923.11 to 2923.24 of 16
the Revised Code: 17

(A) "Deadly weapon" means any instrument, device, or thing 18
capable of inflicting death, and designed or specially adapted 19
for use as a weapon, or possessed, carried, or used as a weapon. 20

(B) (1) "Firearm" means any deadly weapon capable of 21
expelling or propelling one or more projectiles by the action of 22
an explosive or combustible propellant. "Firearm" includes an 23
unloaded firearm, and any firearm that is inoperable but that 24
can readily be rendered operable. 25

(2) When determining whether a firearm is capable of 26
expelling or propelling one or more projectiles by the action of 27
an explosive or combustible propellant, the trier of fact may 28
rely upon circumstantial evidence, including, but not limited 29
to, the representations and actions of the individual exercising 30
control over the firearm. 31

(C) "Handgun" means any of the following: 32

(1) Any firearm that has a short stock and is designed to 33
be held and fired by the use of a single hand; 34

(2) Any combination of parts from which a firearm of a 35
type described in division (C) (1) of this section can be 36
assembled. 37

(D) "Semi-automatic firearm" means any firearm designed or 38
specially adapted to fire a single cartridge and automatically 39
chamber a succeeding cartridge ready to fire, with a single 40
function of the trigger. 41

(E) "Automatic firearm" means any firearm designed or 42

43 specially adapted to fire a succession of cartridges with a
44 single function of the trigger.

45 (F) "Sawed-off firearm" means a shotgun with a barrel less
46 than eighteen inches long, or a rifle with a barrel less than
47 sixteen inches long, or a shotgun or rifle less than twenty-six
48 inches long overall.

49 (G) "Zip-gun" means any of the following:

50 (1) Any firearm of crude and extemporized manufacture;

51 (2) Any device, including without limitation a starter's
52 pistol, that is not designed as a firearm, but that is specially
53 adapted for use as a firearm;

54 (3) Any industrial tool, signalling device, or safety
55 device, that is not designed as a firearm, but that as designed
56 is capable of use as such, when possessed, carried, or used as a
57 firearm.

58 (H) "Explosive device" means any device designed or
59 specially adapted to cause physical harm to persons or property
60 by means of an explosion, and consisting of an explosive
61 substance or agency and a means to detonate it. "Explosive
62 device" includes without limitation any bomb, any explosive
63 demolition device, any blasting cap or detonator containing an
64 explosive charge, and any pressure vessel that has been
65 knowingly tampered with or arranged so as to explode.

66 (I) "Incendiary device" means any firebomb, and any device
67 designed or specially adapted to cause physical harm to persons
68 or property by means of fire, and consisting of an incendiary
69 substance or agency and a means to ignite it.

70 (J) "Ballistic knife" means a knife with a detachable

blade that is propelled by a spring-operated mechanism. 71

(K) "Dangerous ordnance" means any of the following, 72
except as provided in division (L) of this section: 73

(1) Any automatic or sawed-off firearm, zip-gun, or 74
ballistic knife; 75

(2) Any explosive device or incendiary device; 76

(3) Nitroglycerin, nitrocellulose, nitrostarch, PETN, 77
cyclonite, TNT, picric acid, and other high explosives; amatol, 78
tritonite, tetrytol, pentolite, pecretol, cyclitol, and other 79
high explosive compositions; plastic explosives; dynamite, 80
blasting gelatin, gelatin dynamite, sensitized ammonium nitrate, 81
liquid-oxygen blasting explosives, blasting powder, and other 82
blasting agents; and any other explosive substance having 83
sufficient brisance or power to be particularly suitable for use 84
as a military explosive, or for use in mining, quarrying, 85
excavating, or demolitions; 86

(4) Any firearm, rocket launcher, mortar, artillery piece, 87
grenade, mine, bomb, torpedo, or similar weapon, designed and 88
manufactured for military purposes, and the ammunition for that 89
weapon; 90

(5) Any firearm muffler or suppressor; 91

(6) Any combination of parts that is intended by the owner 92
for use in converting any firearm or other device into a 93
dangerous ordnance. 94

(L) "Dangerous ordnance" does not include any of the 95
following: 96

(1) Any firearm, including a military weapon and the 97
ammunition for that weapon, and regardless of its actual age, 98

that employs a percussion cap or other obsolete ignition system, 99
or that is designed and safe for use only with black powder; 100

(2) Any pistol, rifle, or shotgun, designed or suitable 101
for sporting purposes, including a military weapon as issued or 102
as modified, and the ammunition for that weapon, unless the 103
firearm is an automatic or sawed-off firearm; 104

(3) Any cannon or other artillery piece that, regardless 105
of its actual age, is of a type in accepted use prior to 1887, 106
has no mechanical, hydraulic, pneumatic, or other system for 107
absorbing recoil and returning the tube into battery without 108
displacing the carriage, and is designed and safe for use only 109
with black powder; 110

(4) Black powder, priming quills, and percussion caps 111
possessed and lawfully used to fire a cannon of a type defined 112
in division (L) (3) of this section during displays, 113
celebrations, organized matches or shoots, and target practice, 114
and smokeless and black powder, primers, and percussion caps 115
possessed and lawfully used as a propellant or ignition device 116
in small-arms or small-arms ammunition; 117

(5) Dangerous ordnance that is inoperable or inert and 118
cannot readily be rendered operable or activated, and that is 119
kept as a trophy, souvenir, curio, or museum piece. 120

(6) Any device that is expressly excepted from the 121
definition of a destructive device pursuant to the "Gun Control 122
Act of 1968," 82 Stat. 1213, 18 U.S.C. 921(a) (4), as amended, 123
and regulations issued under that act. 124

(M) "Explosive" means any chemical compound, mixture, or 125
device, the primary or common purpose of which is to function by 126
explosion. "Explosive" includes all materials that have been 127

classified as division 1.1, division 1.2, division 1.3, or 128
division 1.4 explosives by the United States department of 129
transportation in its regulations and includes, but is not 130
limited to, dynamite, black powder, pellet powders, initiating 131
explosives, blasting caps, electric blasting caps, safety fuses, 132
fuse igniters, squibs, cordeau detonant fuses, instantaneous 133
fuses, and igniter cords and igniters. "Explosive" does not 134
include "fireworks," as defined in section 3743.01 of the 135
Revised Code, or any substance or material otherwise meeting the 136
definition of explosive set forth in this section that is 137
manufactured, sold, possessed, transported, stored, or used in 138
any activity described in section 3743.80 of the Revised Code, 139
provided the activity is conducted in accordance with all 140
applicable laws, rules, and regulations, including, but not 141
limited to, the provisions of section 3743.80 of the Revised 142
Code and the rules of the fire marshal adopted pursuant to 143
section 3737.82 of the Revised Code. 144

(N) (1) "Concealed handgun license" or "license to carry a 145
concealed handgun" means, subject to division (N) (2) of this 146
section, a license or temporary emergency license to carry a 147
concealed handgun issued under section 2923.125 or 2923.1213 of 148
the Revised Code or a license to carry a concealed handgun 149
issued by another state with which the attorney general has 150
entered into a reciprocity agreement under section 109.69 of the 151
Revised Code. 152

(2) A reference in any provision of the Revised Code to a 153
concealed handgun license issued under section 2923.125 of the 154
Revised Code or a license to carry a concealed handgun issued 155
under section 2923.125 of the Revised Code means only a license 156
of the type that is specified in that section. A reference in 157
any provision of the Revised Code to a concealed handgun license 158

issued under section 2923.1213 of the Revised Code, a license to 159
carry a concealed handgun issued under section 2923.1213 of the 160
Revised Code, or a license to carry a concealed handgun on a 161
temporary emergency basis means only a license of the type that 162
is specified in section 2923.1213 of the Revised Code. A 163
reference in any provision of the Revised Code to a concealed 164
handgun license issued by another state or a license to carry a 165
concealed handgun issued by another state means only a license 166
issued by another state with which the attorney general has 167
entered into a reciprocity agreement under section 109.69 of the 168
Revised Code. 169

(O) "Valid concealed handgun license" or "valid license to 170
carry a concealed handgun" means a concealed handgun license 171
that is currently valid, that is not under a suspension under 172
division (A) (1) of section 2923.128 of the Revised Code, under 173
section 2923.1213 of the Revised Code, or under a suspension 174
provision of the state other than this state in which the 175
license was issued, and that has not been revoked under division 176
(B) (1) of section 2923.128 of the Revised Code, under section 177
2923.1213 of the Revised Code, or under a revocation provision 178
of the state other than this state in which the license was 179
issued. 180

(P) "Misdemeanor punishable by imprisonment for a term 181
exceeding one year" does not include any of the following: 182

(1) Any federal or state offense pertaining to antitrust 183
violations, unfair trade practices, restraints of trade, or 184
other similar offenses relating to the regulation of business 185
practices; 186

(2) Any misdemeanor offense punishable by a term of 187
imprisonment of two years or less. 188

(Q) "Alien registration number" means the number issued by 189
the United States citizenship and immigration services agency 190
that is located on the alien's permanent resident card and may 191
also be commonly referred to as the "USCIS number" or the "alien 192
number." 193

(R) "Active duty" has the same meaning as defined in 10 194
U.S.C. 101. 195

(S) "Qualified military member" means an active duty 196
member of the armed forces of the United States who is carrying 197
a valid military identification card and documentation of 198
successful completion of firearms training that meets or exceeds 199
the training requirements described in division (G) (1) of 200
section 2923.125 of the Revised Code. 201

Sec. 2923.12. (A) No person shall knowingly carry or have, 202
concealed on the person's person or concealed ready at hand, any 203
of the following: 204

(1) A deadly weapon other than a handgun; 205

(2) A handgun other than a dangerous ordnance; 206

(3) A dangerous ordnance. 207

(B) No person who has been issued a concealed handgun 208
license shall do any of the following: 209

(1) If the person is stopped for a law enforcement purpose 210
and is carrying a concealed handgun, fail to promptly inform any 211
law enforcement officer who approaches the person after the 212
person has been stopped that the person has been issued a 213
concealed handgun license and that the person then is carrying a 214
concealed handgun; 215

(2) If the person is stopped for a law enforcement purpose 216

and is carrying a concealed handgun, knowingly fail to keep the 217
person's hands in plain sight at any time after any law 218
enforcement officer begins approaching the person while stopped 219
and before the law enforcement officer leaves, unless the 220
failure is pursuant to and in accordance with directions given 221
by a law enforcement officer; 222

(3) If the person is stopped for a law enforcement 223
purpose, if the person is carrying a concealed handgun, and if 224
the person is approached by any law enforcement officer while 225
stopped, knowingly remove or attempt to remove the loaded 226
handgun from the holster, pocket, or other place in which the 227
person is carrying it, knowingly grasp or hold the loaded 228
handgun, or knowingly have contact with the loaded handgun by 229
touching it with the person's hands or fingers at any time after 230
the law enforcement officer begins approaching and before the 231
law enforcement officer leaves, unless the person removes, 232
attempts to remove, grasps, holds, or has contact with the 233
loaded handgun pursuant to and in accordance with directions 234
given by the law enforcement officer; 235

(4) If the person is stopped for a law enforcement purpose 236
and is carrying a concealed handgun, knowingly disregard or fail 237
to comply with any lawful order of any law enforcement officer 238
given while the person is stopped, including, but not limited 239
to, a specific order to the person to keep the person's hands in 240
plain sight. 241

(C) (1) This section does not apply to any of the 242
following: 243

(a) An officer, agent, or employee of this or any other 244
state or the United States, or to a law enforcement officer, who 245
is authorized to carry concealed weapons or dangerous ordnance 246

or is authorized to carry handguns and is acting within the 247
scope of the officer's, agent's, or employee's duties; 248

(b) Any person who is employed in this state, who is 249
authorized to carry concealed weapons or dangerous ordnance or 250
is authorized to carry handguns, and who is subject to and in 251
compliance with the requirements of section 109.801 of the 252
Revised Code, unless the appointing authority of the person has 253
expressly specified that the exemption provided in division (C) 254
(1) (b) of this section does not apply to the person; 255

(c) A person's transportation or storage of a firearm, 256
other than a firearm described in divisions (G) to (M) of 257
section 2923.11 of the Revised Code, in a motor vehicle for any 258
lawful purpose if the firearm is not on the actor's person; 259

(d) A person's storage or possession of a firearm, other 260
than a firearm described in divisions (G) to (M) of section 261
2923.11 of the Revised Code, in the actor's own home for any 262
lawful purpose. 263

(2) Division (A) (2) of this section does not apply to any 264
person who, at the time of the alleged carrying or possession of 265
a handgun, either is carrying a valid concealed handgun license 266
or is an active duty member of the armed forces of the United 267
States and is carrying a valid military identification card and 268
documentation of successful completion of firearms training that 269
meets or exceeds the training requirements described in division 270
(G) (1) of section 2923.125 of the Revised Code, unless the 271
person knowingly is in a place described in division (B) of 272
section 2923.126 of the Revised Code. 273

(D) It is an affirmative defense to a charge under 274
division (A) (1) of this section of carrying or having control of 275

a weapon other than a handgun and other than a dangerous 276
ordnance that the actor was not otherwise prohibited by law from 277
having the weapon and that any of the following applies: 278

(1) The weapon was carried or kept ready at hand by the 279
actor for defensive purposes while the actor was engaged in or 280
was going to or from the actor's lawful business or occupation, 281
which business or occupation was of a character or was 282
necessarily carried on in a manner or at a time or place as to 283
render the actor particularly susceptible to criminal attack, 284
such as would justify a prudent person in going armed. 285

(2) The weapon was carried or kept ready at hand by the 286
actor for defensive purposes while the actor was engaged in a 287
lawful activity and had reasonable cause to fear a criminal 288
attack upon the actor, a member of the actor's family, or the 289
actor's home, such as would justify a prudent person in going 290
armed. 291

(3) The weapon was carried or kept ready at hand by the 292
actor for any lawful purpose and while in the actor's own home. 293

(E) No person who is charged with a violation of this 294
section shall be required to obtain a concealed handgun license 295
as a condition for the dismissal of the charge. 296

(F) (1) ~~Whoever~~ Except as provided in division (F) (4) of 297
this section, whoever violates this section is guilty of 298
carrying concealed weapons. Except as otherwise provided in this 299
division or divisions (F) (2), ~~(6)~~ (7), and ~~(7)~~ (8) of this 300
section, carrying concealed weapons in violation of division (A) 301
of this section is a misdemeanor of the first degree. Except as 302
otherwise provided in this division or divisions (F) (2), ~~(6)~~ (7), 303
and ~~(7)~~ (8) of this section, if the offender previously has been 304

convicted of a violation of this section or of any offense of 305
violence, if the weapon involved is a firearm that is either 306
loaded or for which the offender has ammunition ready at hand, 307
or if the weapon involved is dangerous ordnance, carrying 308
concealed weapons in violation of division (A) of this section 309
is a felony of the fourth degree. Except as otherwise provided 310
in divisions (F) (2) and ~~(6)–(7)~~ of this section, if the offense 311
is committed aboard an aircraft, or with purpose to carry a 312
concealed weapon aboard an aircraft, regardless of the weapon 313
involved, carrying concealed weapons in violation of division 314
(A) of this section is a felony of the third degree. 315

(2) Except as provided in division (F) ~~(6)–(7)~~ of this 316
section, if a person being arrested for a violation of division 317
(A) (2) of this section promptly produces a valid concealed 318
handgun license, and if at the time of the violation the person 319
was not knowingly in a place described in division (B) of 320
section 2923.126 of the Revised Code, the officer shall not 321
arrest the person for a violation of that division. If the 322
person is not able to promptly produce any concealed handgun 323
license and if the person is not in a place described in that 324
section, the officer may arrest the person for a violation of 325
that division, and the offender shall be punished as follows: 326

(a) The offender shall be guilty of a minor misdemeanor if 327
both of the following apply: 328

(i) Within ten days after the arrest, the offender 329
presents a concealed handgun license, which license was valid at 330
the time of the arrest to the law enforcement agency that 331
employs the arresting officer. 332

(ii) At the time of the arrest, the offender was not 333
knowingly in a place described in division (B) of section 334

2923.126 of the Revised Code. 335

(b) The offender shall be guilty of a misdemeanor and 336
shall be fined five hundred dollars if all of the following 337
apply: 338

(i) The offender previously had been issued a concealed 339
handgun license, and that license expired within the two years 340
immediately preceding the arrest. 341

(ii) Within forty-five days after the arrest, the offender 342
presents a concealed handgun license to the law enforcement 343
agency that employed the arresting officer, and the offender 344
waives in writing the offender's right to a speedy trial on the 345
charge of the violation that is provided in section 2945.71 of 346
the Revised Code. 347

(iii) At the time of the commission of the offense, the 348
offender was not knowingly in a place described in division (B) 349
of section 2923.126 of the Revised Code. 350

(c) If divisions (F) (2) (a) and (b) and (F) ~~(6)~~ (7) of this 351
section do not apply, the offender shall be punished under 352
division (F) (1) or ~~(7)~~ (8) of this section. 353

(3) Except as otherwise provided in this division, 354
carrying concealed weapons in violation of division (B) (1) of 355
this section is a misdemeanor of the first degree, and, in 356
addition to any other penalty or sanction imposed for a 357
violation of division (B) (1) of this section, the offender's 358
concealed handgun license shall be suspended pursuant to 359
division (A) (2) of section 2923.128 of the Revised Code. If, at 360
the time of the stop of the offender for a law enforcement 361
purpose that was the basis of the violation, any law enforcement 362
officer involved with the stop had actual knowledge that the 363

offender has been issued a concealed handgun license, carrying 364
concealed weapons in violation of division (B) (1) of this 365
section is a minor misdemeanor, and the offender's concealed 366
handgun license shall not be suspended pursuant to division (A) 367
(2) of section 2923.128 of the Revised Code. 368

(4) A person who has a valid concealed handgun license or 369
who is a qualified military member and who is discovered 370
carrying a concealed deadly weapon onto land or premises in 371
violation of division (A) of this section is subject to removal 372
from the premises but is not guilty of carrying concealed 373
weapons. If the person refuses or fails to leave the premises 374
upon being requested to do so by the individual in control of 375
the premises or by that individual's agent or employee, or 376
returns within thirty days to the same land or premises while 377
knowingly in possession of a deadly weapon in violation of this 378
section, the person is guilty of criminal trespass with a deadly 379
weapon, as described in section 2923.1214 of the Revised Code. 380

(5) Carrying concealed weapons in violation of division 381
(B) (2) or (4) of this section is a misdemeanor of the first 382
degree or, if the offender previously has been convicted of or 383
pleaded guilty to a violation of division (B) (2) or (4) of this 384
section, a felony of the fifth degree. In addition to any other 385
penalty or sanction imposed for a misdemeanor violation of 386
division (B) (2) or (4) of this section, the offender's concealed 387
handgun license shall be suspended pursuant to division (A) (2) 388
of section 2923.128 of the Revised Code. 389

~~(5)~~ (6) Carrying concealed weapons in violation of 390
division (B) (3) of this section is a felony of the fifth degree. 391

~~(6)~~ (7) If a person being arrested for a violation of 392
division (A) (2) of this section is an active duty member of the 393

armed forces of the United States and is carrying a valid 394
military identification card and documentation of successful 395
completion of firearms training that meets or exceeds the 396
training requirements described in division (G) (1) of section 397
2923.125 of the Revised Code, and if at the time of the 398
violation the person was not knowingly in a place described in 399
division (B) of section 2923.126 of the Revised Code, the 400
officer shall not arrest the person for a violation of that 401
division. If the person is not able to promptly produce a valid 402
military identification card and documentation of successful 403
completion of firearms training that meets or exceeds the 404
training requirements described in division (G) (1) of section 405
2923.125 of the Revised Code and if the person is not in a place 406
described in division (B) of section 2923.126 of the Revised 407
Code, the officer shall issue a citation and the offender shall 408
be assessed a civil penalty of not more than five hundred 409
dollars. The citation shall be automatically dismissed and the 410
civil penalty shall not be assessed if both of the following 411
apply: 412

(a) Within ten days after the issuance of the citation, 413
the offender presents a valid military identification card and 414
documentation of successful completion of firearms training that 415
meets or exceeds the training requirements described in division 416
(G) (1) of section 2923.125 of the Revised Code, which were both 417
valid at the time of the issuance of the citation to the law 418
enforcement agency that employs the citing officer. 419

(b) At the time of the citation, the offender was not 420
knowingly in a place described in division (B) of section 421
2923.126 of the Revised Code. 422

~~(7)~~ (8) If a person being arrested for a violation of 423

division (A) (2) of this section is knowingly in a place 424
described in division (B) (5) of section 2923.126 of the Revised 425
Code and is not authorized to carry a handgun or have a handgun 426
concealed on the person's person or concealed ready at hand 427
under that division, the penalty shall be as follows: 428

(a) Except as otherwise provided in this division, if the 429
person produces a valid concealed handgun license within ten 430
days after the arrest and has not previously been convicted or 431
pleaded guilty to a violation of division (A) (2) of this 432
section, the person is guilty of a minor misdemeanor; 433

(b) Except as otherwise provided in this division, if the 434
person has previously been convicted of or pleaded guilty to a 435
violation of division (A) (2) of this section, the person is 436
guilty of a misdemeanor of the fourth degree; 437

(c) Except as otherwise provided in this division, if the 438
person has previously been convicted of or pleaded guilty to two 439
violations of division (A) (2) of this section, the person is 440
guilty of a misdemeanor of the third degree; 441

(d) Except as otherwise provided in this division, if the 442
person has previously been convicted of or pleaded guilty to 443
three or more violations of division (A) (2) of this section, or 444
convicted of or pleaded guilty to any offense of violence, if 445
the weapon involved is a firearm that is either loaded or for 446
which the offender has ammunition ready at hand, or if the 447
weapon involved is a dangerous ordnance, the person is guilty of 448
a misdemeanor of the second degree. 449

(G) If a law enforcement officer stops a person to 450
question the person regarding a possible violation of this 451
section, for a traffic stop, or for any other law enforcement 452

purpose, if the person surrenders a firearm to the officer, 453
either voluntarily or pursuant to a request or demand of the 454
officer, and if the officer does not charge the person with a 455
violation of this section or arrest the person for any offense, 456
the person is not otherwise prohibited by law from possessing 457
the firearm, and the firearm is not contraband, the officer 458
shall return the firearm to the person at the termination of the 459
stop. If a court orders a law enforcement officer to return a 460
firearm to a person pursuant to the requirement set forth in 461
this division, division (B) of section 2923.163 of the Revised 462
Code applies. 463

Sec. 2923.121. (A) No person shall possess a firearm in 464
any room in which any person is consuming beer or intoxicating 465
liquor in a premises for which a D permit has been issued under 466
Chapter 4303. of the Revised Code or in an open air arena for 467
which a permit of that nature has been issued. 468

(B) (1) This section does not apply to any of the 469
following: 470

(a) An officer, agent, or employee of this or any other 471
state or the United States, or to a law enforcement officer, who 472
is authorized to carry firearms and is acting within the scope 473
of the officer's, agent's, or employee's duties; 474

(b) Any person who is employed in this state, who is 475
authorized to carry firearms, and who is subject to and in 476
compliance with the requirements of section 109.801 of the 477
Revised Code, unless the appointing authority of the person has 478
expressly specified that the exemption provided in division (B) 479
(1) (b) of this section does not apply to the person; 480

(c) Any room used for the accommodation of guests of a 481

hotel, as defined in section 4301.01 of the Revised Code; 482

(d) The principal holder of a D permit issued for a 483
premises or an open air arena under Chapter 4303. of the Revised 484
Code while in the premises or open air arena for which the 485
permit was issued if the principal holder of the D permit also 486
possesses a valid concealed handgun license and as long as the 487
principal holder is not consuming beer or intoxicating liquor or 488
under the influence of alcohol or a drug of abuse, or any agent 489
or employee of that holder who also is a peace officer, as 490
defined in section 2151.3515 of the Revised Code, who is off 491
duty, and who otherwise is authorized to carry firearms while in 492
the course of the officer's official duties and while in the 493
premises or open air arena for which the permit was issued and 494
as long as the agent or employee of that holder is not consuming 495
beer or intoxicating liquor or under the influence of alcohol or 496
a drug of abuse. 497

(e) Any person who is carrying a valid concealed handgun 498
license or any person who is an active duty member of the armed 499
forces of the United States and is carrying a valid military 500
identification card and documentation of successful completion 501
of firearms training that meets or exceeds the training 502
requirements described in division (G)(1) of section 2923.125 of 503
the Revised Code, as long as the person is not consuming beer or 504
intoxicating liquor or under the influence of alcohol or a drug 505
of abuse. 506

(2) This section does not prohibit any person who is a 507
member of a veteran's organization, as defined in section 508
2915.01 of the Revised Code, from possessing a rifle in any room 509
in any premises owned, leased, or otherwise under the control of 510
the veteran's organization, if the rifle is not loaded with live 511

ammunition and if the person otherwise is not prohibited by law 512
from having the rifle. 513

(3) This section does not apply to any person possessing 514
or displaying firearms in any room used to exhibit unloaded 515
firearms for sale or trade in a soldiers' memorial established 516
pursuant to Chapter 345. of the Revised Code, in a convention 517
center, or in any other public meeting place, if the person is 518
an exhibitor, trader, purchaser, or seller of firearms and is 519
not otherwise prohibited by law from possessing, trading, 520
purchasing, or selling the firearms. 521

(C) It is an affirmative defense to a charge under this 522
section of illegal possession of a firearm in a liquor permit 523
premises that involves the possession of a firearm other than a 524
handgun, that the actor was not otherwise prohibited by law from 525
having the firearm, and that any of the following apply: 526

(1) The firearm was carried or kept ready at hand by the 527
actor for defensive purposes, while the actor was engaged in or 528
was going to or from the actor's lawful business or occupation, 529
which business or occupation was of such character or was 530
necessarily carried on in such manner or at such a time or place 531
as to render the actor particularly susceptible to criminal 532
attack, such as would justify a prudent person in going armed. 533

(2) The firearm was carried or kept ready at hand by the 534
actor for defensive purposes, while the actor was engaged in a 535
lawful activity, and had reasonable cause to fear a criminal 536
attack upon the actor or a member of the actor's family, or upon 537
the actor's home, such as would justify a prudent person in 538
going armed. 539

(D) No person who is charged with a violation of this 540

section shall be required to obtain a concealed handgun license 541
as a condition for the dismissal of the charge. 542

(E) ~~Whoever~~ (1) Except as provided in division (E) (2) of 543
this section, whoever violates this section is guilty of illegal 544
possession of a firearm in a liquor permit premises. Except as 545
otherwise provided in this division, illegal possession of a 546
firearm in a liquor permit premises is a felony of the fifth 547
degree. If the offender commits the violation of this section by 548
knowingly carrying or having the firearm concealed on the 549
offender's person or concealed ready at hand, illegal possession 550
of a firearm in a liquor permit premises is a felony of the 551
third degree. 552

(2) A person who has a valid concealed handgun license or 553
who is a qualified military member and who is discovered 554
carrying a firearm onto premises in violation of this section is 555
subject to removal from the premises but is not guilty of 556
illegal possession of a firearm in a liquor permit premises. If 557
the person refuses or fails to leave the premises upon being 558
requested to do so by the owner, lessee, or person in control of 559
the premises or by that individual's agent or employee, or 560
returns within thirty days to the same premises while knowingly 561
in possession of a firearm in violation of this section, the 562
person is guilty of criminal trespass with a deadly weapon, as 563
described in section 2923.1214 of the Revised Code. 564

(F) As used in this section, "beer" and "intoxicating 565
liquor" have the same meanings as in section 4301.01 of the 566
Revised Code. 567

Sec. 2923.122. (A) No person shall knowingly convey, or 568
attempt to convey, a deadly weapon or dangerous ordnance into a 569
school safety zone. 570

(B) No person shall knowingly possess a deadly weapon or 571
dangerous ordnance in a school safety zone. 572

(C) No person shall knowingly possess an object in a 573
school safety zone if both of the following apply: 574

(1) The object is indistinguishable from a firearm, 575
whether or not the object is capable of being fired. 576

(2) The person indicates that the person possesses the 577
object and that it is a firearm, or the person knowingly 578
displays or brandishes the object and indicates that it is a 579
firearm. 580

(D) (1) This section does not apply to any of the 581
following: 582

(a) An officer, agent, or employee of this or any other 583
state or the United States who is authorized to carry deadly 584
weapons or dangerous ordnance and is acting within the scope of 585
the officer's, agent's, or employee's duties, a law enforcement 586
officer who is authorized to carry deadly weapons or dangerous 587
ordnance, a security officer employed by a board of education or 588
governing body of a school during the time that the security 589
officer is on duty pursuant to that contract of employment, or 590
any other person who has written authorization from the board of 591
education or governing body of a school to convey deadly weapons 592
or dangerous ordnance into a school safety zone or to possess a 593
deadly weapon or dangerous ordnance in a school safety zone and 594
who conveys or possesses the deadly weapon or dangerous ordnance 595
in accordance with that authorization; 596

(b) Any person who is employed in this state, who is 597
authorized to carry deadly weapons or dangerous ordnance, and 598
who is subject to and in compliance with the requirements of 599

section 109.801 of the Revised Code, unless the appointing 600
authority of the person has expressly specified that the 601
exemption provided in division (D) (1) (b) of this section does 602
not apply to the person. 603

(2) Division (C) of this section does not apply to 604
premises upon which home schooling is conducted. Division (C) of 605
this section also does not apply to a school administrator, 606
teacher, or employee who possesses an object that is 607
indistinguishable from a firearm for legitimate school purposes 608
during the course of employment, a student who uses an object 609
that is indistinguishable from a firearm under the direction of 610
a school administrator, teacher, or employee, or any other 611
person who with the express prior approval of a school 612
administrator possesses an object that is indistinguishable from 613
a firearm for a legitimate purpose, including the use of the 614
object in a ceremonial activity, a play, reenactment, or other 615
dramatic presentation, school safety training, or a ROTC 616
activity or another similar use of the object. 617

(3) This section does not apply to a person who conveys or 618
attempts to convey a handgun into, or possesses a handgun in, a 619
school safety zone if, at the time of that conveyance, attempted 620
conveyance, or possession of the handgun, all of the following 621
apply: 622

(a) The person does not enter into a school building or 623
onto school premises and is not at a school activity. 624

(b) The person is carrying a valid concealed handgun 625
license or the person is an active duty member of the armed 626
forces of the United States and is carrying a valid military 627
identification card and documentation of successful completion 628
of firearms training that meets or exceeds the training 629

requirements described in division (G) (1) of section 2923.125 of 630
the Revised Code. 631

(c) The person is in the school safety zone in accordance 632
with 18 U.S.C. 922(q) (2) (B) . 633

(d) The person is not knowingly in a place described in 634
division (B) (1) or (B) (3) to (8) of section 2923.126 of the 635
Revised Code. 636

(4) This section does not apply to a person who conveys or 637
attempts to convey a handgun into, or possesses a handgun in, a 638
school safety zone if at the time of that conveyance, attempted 639
conveyance, or possession of the handgun all of the following 640
apply: 641

(a) The person is carrying a valid concealed handgun 642
license or the person is an active duty member of the armed 643
forces of the United States and is carrying a valid military 644
identification card and documentation of successful completion 645
of firearms training that meets or exceeds the training 646
requirements described in division (G) (1) of section 2923.125 of 647
the Revised Code. 648

(b) The person leaves the handgun in a motor vehicle. 649

(c) The handgun does not leave the motor vehicle. 650

(d) If the person exits the motor vehicle, the person 651
locks the motor vehicle. 652

(E) (1) ~~Whoever~~ (a) Except as provided in division (E) (1) 653
(b) of this section, whoever violates division (A) or (B) of 654
this section is guilty of illegal conveyance or possession of a 655
deadly weapon or dangerous ordnance in a school safety zone. 656
Except as otherwise provided in this division, illegal 657

conveyance or possession of a deadly weapon or dangerous 658
ordnance in a school safety zone is a felony of the fifth 659
degree. If the offender previously has been convicted of a 660
violation of this section, illegal conveyance or possession of a 661
deadly weapon or dangerous ordnance in a school safety zone is a 662
felony of the fourth degree. 663

(b) A person who has a valid concealed handgun license or 664
who is a qualified military member and who is discovered 665
carrying a deadly weapon in a school safety zone in violation of 666
division (A) or (B) of this section is subject to removal from 667
the school safety zone but is not guilty of illegal conveyance 668
or possession of a deadly weapon or dangerous ordnance in a 669
school safety zone. If the person refuses or fails to leave the 670
school safety zone upon being requested to do so by the 671
individual in control of the premises or by that individual's 672
agent or employee, or returns within thirty days to the same 673
school safety zone while knowingly in possession of a deadly 674
weapon in violation of this section, the person is guilty of 675
criminal trespass with a deadly weapon, as described in section 676
2923.1214 of the Revised Code. 677

(2) Whoever violates division (C) of this section is 678
guilty of illegal possession of an object indistinguishable from 679
a firearm in a school safety zone. Except as otherwise provided 680
in this division, illegal possession of an object 681
indistinguishable from a firearm in a school safety zone is a 682
misdemeanor of the first degree. If the offender previously has 683
been convicted of a violation of this section, illegal 684
possession of an object indistinguishable from a firearm in a 685
school safety zone is a felony of the fifth degree. 686

(F) (1) In addition to any other penalty imposed upon a 687

person who is convicted of or pleads guilty to a violation of 688
this section and subject to division (F) (2) of this section, if 689
the offender has not attained nineteen years of age, regardless 690
of whether the offender is attending or is enrolled in a school 691
operated by a board of education or for which the state board of 692
education prescribes minimum standards under section 3301.07 of 693
the Revised Code, the court shall impose upon the offender a 694
class four suspension of the offender's probationary driver's 695
license, restricted license, driver's license, commercial 696
driver's license, temporary instruction permit, or probationary 697
commercial driver's license that then is in effect from the 698
range specified in division (A) (4) of section 4510.02 of the 699
Revised Code and shall deny the offender the issuance of any 700
permit or license of that type during the period of the 701
suspension. 702

If the offender is not a resident of this state, the court 703
shall impose a class four suspension of the nonresident 704
operating privilege of the offender from the range specified in 705
division (A) (4) of section 4510.02 of the Revised Code. 706

(2) If the offender shows good cause why the court should 707
not suspend one of the types of licenses, permits, or privileges 708
specified in division (F) (1) of this section or deny the 709
issuance of one of the temporary instruction permits specified 710
in that division, the court in its discretion may choose not to 711
impose the suspension, revocation, or denial required in that 712
division, but the court, in its discretion, instead may require 713
the offender to perform community service for a number of hours 714
determined by the court. 715

(G) As used in this section, "object that is 716
indistinguishable from a firearm" means an object made, 717

constructed, or altered so that, to a reasonable person without 718
specialized training in firearms, the object appears to be a 719
firearm. 720

Sec. 2923.123. (A) No person shall knowingly convey or 721
attempt to convey a deadly weapon or dangerous ordnance into a 722
courthouse or into another building or structure in which a 723
courtroom is located. 724

(B) No person shall knowingly possess or have under the 725
person's control a deadly weapon or dangerous ordnance in a 726
courthouse or in another building or structure in which a 727
courtroom is located. 728

(C) This section does not apply to any of the following: 729

(1) Except as provided in division (E) of this section, a 730
judge of a court of record of this state or a magistrate; 731

(2) A peace officer, officer of a law enforcement agency, 732
or person who is in either of the following categories: 733

(a) Except as provided in division (E) of this section, a 734
peace officer, or an officer of a law enforcement agency of 735
another state, a political subdivision of another state, or the 736
United States, who is authorized to carry a deadly weapon or 737
dangerous ordnance, who possesses or has under that individual's 738
control a deadly weapon or dangerous ordnance as a requirement 739
of that individual's duties, and who is acting within the scope 740
of that individual's duties at the time of that possession or 741
control; 742

(b) Except as provided in division (E) of this section, a 743
person who is employed in this state, who is authorized to carry 744
a deadly weapon or dangerous ordnance, who possesses or has 745
under that individual's control a deadly weapon or dangerous 746

ordnance as a requirement of that person's duties, and who is 747
subject to and in compliance with the requirements of section 748
109.801 of the Revised Code, unless the appointing authority of 749
the person has expressly specified that the exemption provided 750
in division (C) (2) (b) of this section does not apply to the 751
person. 752

(3) A person who conveys, attempts to convey, possesses, 753
or has under the person's control a deadly weapon or dangerous 754
ordnance that is to be used as evidence in a pending criminal or 755
civil action or proceeding; 756

(4) Except as provided in division (E) of this section, a 757
bailiff or deputy bailiff of a court of record of this state who 758
is authorized to carry a firearm pursuant to section 109.77 of 759
the Revised Code, who possesses or has under that individual's 760
control a firearm as a requirement of that individual's duties, 761
and who is acting within the scope of that individual's duties 762
at the time of that possession or control; 763

(5) Except as provided in division (E) of this section, a 764
prosecutor, or a secret service officer appointed by a county 765
prosecuting attorney, who is authorized to carry a deadly weapon 766
or dangerous ordnance in the performance of the individual's 767
duties, who possesses or has under that individual's control a 768
deadly weapon or dangerous ordnance as a requirement of that 769
individual's duties, and who is acting within the scope of that 770
individual's duties at the time of that possession or control; 771

(6) Except as provided in division (E) of this section, a 772
person who conveys or attempts to convey a handgun into a 773
courthouse or into another building or structure in which a 774
courtroom is located, who, at the time of the conveyance or 775
attempt, either is carrying a valid concealed handgun license or 776

is an active duty member of the armed forces of the United 777
States and is carrying a valid military identification card and 778
documentation of successful completion of firearms training that 779
meets or exceeds the training requirements described in division 780
(G) (1) of section 2923.125 of the Revised Code, and who 781
transfers possession of the handgun to the officer or officer's 782
designee who has charge of the courthouse or building. The 783
officer shall secure the handgun until the licensee is prepared 784
to leave the premises. The exemption described in this division 785
applies only if the officer who has charge of the courthouse or 786
building provides services of the nature described in this 787
division. An officer who has charge of the courthouse or 788
building is not required to offer services of the nature 789
described in this division. 790

(D) (1) ~~Whoever~~ Except as provided in division (D) (3) of 791
this section, whoever violates division (A) of this section is 792
guilty of illegal conveyance of a deadly weapon or dangerous 793
ordnance into a courthouse. Except as otherwise provided in this 794
division, illegal conveyance of a deadly weapon or dangerous 795
ordnance into a courthouse is a felony of the fifth degree. If 796
the offender previously has been convicted of a violation of 797
division (A) or (B) of this section, illegal conveyance of a 798
deadly weapon or dangerous ordnance into a courthouse is a 799
felony of the fourth degree. 800

(2) ~~Whoever~~ Except as provided in division (D) (3) of this 801
section, whoever violates division (B) of this section is guilty 802
of illegal possession or control of a deadly weapon or dangerous 803
ordnance in a courthouse. Except as otherwise provided in this 804
division, illegal possession or control of a deadly weapon or 805
dangerous ordnance in a courthouse is a felony of the fifth 806
degree. If the offender previously has been convicted of a 807

violation of division (A) or (B) of this section, illegal 808
possession or control of a deadly weapon or dangerous ordnance 809
in a courthouse is a felony of the fourth degree. 810

(3) A person who has a valid concealed handgun license or 811
who is a qualified military member and who is discovered 812
conveying, possessing, or controlling a deadly weapon in 813
violation of division (A) or (B) of this section is subject to 814
removal from the premises but is not guilty of illegal 815
conveyance of a deadly weapon or dangerous ordnance into a 816
courthouse or of illegal possession or control of a deadly 817
weapon or dangerous ordnance in a courthouse, as applicable. If 818
the person refuses or fails to leave the premises upon being 819
requested to do so by the individual in control of the premises 820
or by that individual's agent or employee, or returns within 821
thirty days to the same premises while knowingly in possession 822
of a deadly weapon in violation of this section, the person is 823
guilty of criminal trespass with a deadly weapon, as described 824
in section 2923.1214 of the Revised Code. 825

(E) The exemptions described in divisions (C) (1), (2) (a), 826
(2) (b), (4), (5), and (6) of this section do not apply to any 827
judge, magistrate, peace officer, officer of a law enforcement 828
agency, bailiff, deputy bailiff, prosecutor, secret service 829
officer, or other person described in any of those divisions if 830
a rule of superintendence or another type of rule adopted by the 831
supreme court pursuant to Article IV, Ohio Constitution, or an 832
applicable local rule of court prohibits all persons from 833
conveying or attempting to convey a deadly weapon or dangerous 834
ordnance into a courthouse or into another building or structure 835
in which a courtroom is located or from possessing or having 836
under one's control a deadly weapon or dangerous ordnance in a 837
courthouse or in another building or structure in which a 838

courtroom is located. 839

(F) As used in this section: 840

(1) "Magistrate" means an individual who is appointed by a 841
court of record of this state and who has the powers and may 842
perform the functions specified in Civil Rule 53, Criminal Rule 843
19, or Juvenile Rule 40. 844

(2) "Peace officer" and "prosecutor" have the same 845
meanings as in section 2935.01 of the Revised Code. 846

Sec. 2923.126. (A) A concealed handgun license that is 847
issued under section 2923.125 of the Revised Code shall expire 848
five years after the date of issuance. A licensee who has been 849
issued a license under that section shall be granted a grace 850
period of thirty days after the licensee's license expires 851
during which the licensee's license remains valid. Except as 852
provided in divisions (B) and (C) of this section, a licensee 853
who has been issued a concealed handgun license under section 854
2923.125 or 2923.1213 of the Revised Code may carry a concealed 855
handgun anywhere in this state if the licensee also carries a 856
valid license and valid identification when the licensee is in 857
actual possession of a concealed handgun. The licensee shall 858
give notice of any change in the licensee's residence address to 859
the sheriff who issued the license within forty-five days after 860
that change. 861

If a licensee is the driver or an occupant of a motor 862
vehicle that is stopped as the result of a traffic stop or a 863
stop for another law enforcement purpose and if the licensee is 864
transporting or has a loaded handgun in the motor vehicle at 865
that time, the licensee shall promptly inform any law 866
enforcement officer who approaches the vehicle while stopped 867

that the licensee has been issued a concealed handgun license 868
and that the licensee currently possesses or has a loaded 869
handgun; the licensee shall not knowingly disregard or fail to 870
comply with lawful orders of a law enforcement officer given 871
while the motor vehicle is stopped, knowingly fail to remain in 872
the motor vehicle while stopped, or knowingly fail to keep the 873
licensee's hands in plain sight after any law enforcement 874
officer begins approaching the licensee while stopped and before 875
the officer leaves, unless directed otherwise by a law 876
enforcement officer; and the licensee shall not knowingly have 877
contact with the loaded handgun by touching it with the 878
licensee's hands or fingers, in any manner in violation of 879
division (E) of section 2923.16 of the Revised Code, after any 880
law enforcement officer begins approaching the licensee while 881
stopped and before the officer leaves. Additionally, if a 882
licensee is the driver or an occupant of a commercial motor 883
vehicle that is stopped by an employee of the motor carrier 884
enforcement unit for the purposes defined in section 5503.34 of 885
the Revised Code and if the licensee is transporting or has a 886
loaded handgun in the commercial motor vehicle at that time, the 887
licensee shall promptly inform the employee of the unit who 888
approaches the vehicle while stopped that the licensee has been 889
issued a concealed handgun license and that the licensee 890
currently possesses or has a loaded handgun. 891

If a licensee is stopped for a law enforcement purpose and 892
if the licensee is carrying a concealed handgun at the time the 893
officer approaches, the licensee shall promptly inform any law 894
enforcement officer who approaches the licensee while stopped 895
that the licensee has been issued a concealed handgun license 896
and that the licensee currently is carrying a concealed handgun; 897
the licensee shall not knowingly disregard or fail to comply 898

with lawful orders of a law enforcement officer given while the 899
licensee is stopped or knowingly fail to keep the licensee's 900
hands in plain sight after any law enforcement officer begins 901
approaching the licensee while stopped and before the officer 902
leaves, unless directed otherwise by a law enforcement officer; 903
and the licensee shall not knowingly remove, attempt to remove, 904
grasp, or hold the loaded handgun or knowingly have contact with 905
the loaded handgun by touching it with the licensee's hands or 906
fingers, in any manner in violation of division (B) of section 907
2923.12 of the Revised Code, after any law enforcement officer 908
begins approaching the licensee while stopped and before the 909
officer leaves. 910

(B) A valid concealed handgun license does not authorize 911
the licensee to carry a concealed handgun in any manner 912
prohibited under division (B) of section 2923.12 of the Revised 913
Code or in any manner prohibited under section 2923.16 of the 914
Revised Code. A valid license does not authorize the licensee to 915
carry a concealed handgun into any of the following places: 916

(1) A police station, sheriff's office, or state highway 917
patrol station, premises controlled by the bureau of criminal 918
identification and investigation; a state correctional 919
institution, jail, workhouse, or other detention facility; any 920
area of an airport passenger terminal that is beyond a passenger 921
or property screening checkpoint or to which access is 922
restricted through security measures by the airport authority or 923
a public agency; or an institution that is maintained, operated, 924
managed, and governed pursuant to division (A) of section 925
5119.14 of the Revised Code or division (A) (1) of section 926
5123.03 of the Revised Code; 927

(2) A school safety zone if the licensee's carrying the 928

concealed handgun is in violation of section 2923.122 of the 929
Revised Code; 930

(3) A courthouse or another building or structure in which 931
a courtroom is located, in violation of section 2923.123 of the 932
Revised Code; 933

(4) Any premises or open air arena for which a D permit 934
has been issued under Chapter 4303. of the Revised Code if the 935
licensee's carrying the concealed handgun is in violation of 936
section 2923.121 of the Revised Code; 937

(5) Any premises owned or leased by any public or private 938
college, university, or other institution of higher education, 939
unless the handgun is in a locked motor vehicle or the licensee 940
is in the immediate process of placing the handgun in a locked 941
motor vehicle or unless the licensee is carrying the concealed 942
handgun pursuant to a written policy, rule, or other 943
authorization that is adopted by the institution's board of 944
trustees or other governing body and that authorizes specific 945
individuals or classes of individuals to carry a concealed 946
handgun on the premises; 947

(6) Any church, synagogue, mosque, or other place of 948
worship, unless the church, synagogue, mosque, or other place of 949
worship posts or permits otherwise; 950

(7) Any building that is a government facility of this 951
state or a political subdivision of this state and that is not a 952
building that is used primarily as a shelter, restroom, parking 953
facility for motor vehicles, or rest facility and is not a 954
courthouse or other building or structure in which a courtroom 955
is located that is subject to division (B)(3) of this section, 956
unless the governing body with authority over the building has 957

enacted a statute, ordinance, or policy that permits ~~a licensee~~ 958
all or certain specific licensees to carry a concealed handgun 959
into the building or any portion of the building; 960

(8) A place in which federal law prohibits the carrying of 961
handguns. 962

(C) (1) Nothing in this section shall negate or restrict a 963
rule, policy, or practice of a private employer that is not a 964
private college, university, or other institution of higher 965
education concerning or prohibiting the presence of firearms on 966
the private employer's premises or property, including motor 967
vehicles owned by the private employer. Nothing in this section 968
shall require a private employer of that nature to adopt a rule, 969
policy, or practice concerning or prohibiting the presence of 970
firearms on the private employer's premises or property, 971
including motor vehicles owned by the private employer. 972

(2) (a) A private employer shall be immune from liability 973
in a civil action for any injury, death, or loss to person or 974
property that allegedly was caused by or related to a licensee 975
bringing a handgun onto the premises or property of the private 976
employer, including motor vehicles owned by the private 977
employer, unless the private employer acted with malicious 978
purpose. A private employer is immune from liability in a civil 979
action for any injury, death, or loss to person or property that 980
allegedly was caused by or related to the private employer's 981
decision to permit a licensee to bring, or prohibit a licensee 982
from bringing, a handgun onto the premises or property of the 983
private employer. 984

(b) A political subdivision shall be immune from liability 985
in a civil action, to the extent and in the manner provided in 986
Chapter 2744. of the Revised Code, for any injury, death, or 987

loss to person or property that allegedly was caused by or 988
related to a licensee bringing a handgun onto any premises or 989
property owned, leased, or otherwise under the control of the 990
political subdivision. As used in this division, "political 991
subdivision" has the same meaning as in section 2744.01 of the 992
Revised Code. 993

(c) An institution of higher education shall be immune 994
from liability in a civil action for any injury, death, or loss 995
to person or property that allegedly was caused by or related to 996
a licensee bringing a handgun onto the premises of the 997
institution, including motor vehicles owned by the institution, 998
unless the institution acted with malicious purpose. An 999
institution of higher education is immune from liability in a 1000
civil action for any injury, death, or loss to person or 1001
property that allegedly was caused by or related to the 1002
institution's decision to permit a licensee or class of 1003
licensees to bring a handgun onto the premises of the 1004
institution. 1005

(3) (a) Except as provided in division (C) (3) (b) of this 1006
section, the owner or person in control of private land or 1007
premises, and a private person or entity leasing land or 1008
premises owned by the state, the United States, or a political 1009
subdivision of the state or the United States, may post a sign 1010
in a conspicuous location on that land or on those premises 1011
prohibiting persons from carrying firearms or concealed firearms 1012
on or onto that land or those premises. Except as otherwise 1013
provided in this division or division (C) (3) (c) of this section, 1014
a person who knowingly violates a posted prohibition of that 1015
nature is guilty of criminal trespass in violation of division 1016
(A) (4) of section 2911.21 of the Revised Code and is guilty of a 1017
misdemeanor of the fourth degree. ~~If~~ Except as provided in 1018

division (C) (3) (c) of this section, if a person knowingly 1019
violates a posted prohibition of that nature and the posted land 1020
or premises primarily was a parking lot or other parking 1021
facility, the person is not guilty of criminal trespass under 1022
section 2911.21 of the Revised Code or under any other criminal 1023
law of this state or criminal law, ordinance, or resolution of a 1024
political subdivision of this state, and instead is subject only 1025
to a civil cause of action for trespass based on the violation. 1026

If Except as provided in division (C) (3) (c) of this 1027
section, if a person knowingly violates a posted prohibition of 1028
the nature described in this division and the posted land or 1029
premises is a child day-care center, type A family day-care 1030
home, or type B family day-care home, unless the person is a 1031
licensee who resides in a type A family day-care home or type B 1032
family day-care home, the person is guilty of aggravated 1033
trespass in violation of section 2911.211 of the Revised Code. 1034
Except as otherwise provided in this division, the offender is 1035
guilty of a misdemeanor of the first degree. If the person 1036
previously has been convicted of a violation of this division or 1037
of any offense of violence, if the weapon involved is a firearm 1038
that is either loaded or for which the offender has ammunition 1039
ready at hand, or if the weapon involved is dangerous ordnance, 1040
the offender is guilty of a felony of the fourth degree. 1041

(b) A landlord may not prohibit or restrict a tenant who 1042
is a licensee and who on or after September 9, 2008, enters into 1043
a rental agreement with the landlord for the use of residential 1044
premises, and the tenant's guest while the tenant is present, 1045
from lawfully carrying or possessing a handgun on those 1046
residential premises. 1047

(c) A person who has a valid concealed handgun license or 1048

who is a qualified military member who is discovered carrying a 1049
deadly weapon onto land or premises in violation of a sign 1050
posted under division (C) (3) (a) of this section is subject to 1051
removal from the land or premises but is not guilty of criminal 1052
trespass or aggravated trespass based on the violation and is 1053
not subject to a civil cause of action for trespass based on the 1054
violation. If the person refuses or fails to leave the land or 1055
premises upon being requested to do so by the owner, lessee, or 1056
person in control of the land or premises or by the individual's 1057
agent or employee, or the person returns within thirty days to 1058
the same land or premises while knowingly in possession of a 1059
deadly weapon in violation of a sign posted under division (C) 1060
(3) (a) of this section, the person is guilty of criminal 1061
trespass with a deadly weapon, as described in section 2923.1214 1062
of the Revised Code. 1063

(4) As used in division (C) (3) of this section: 1064

~~(i)~~ (a) "Residential premises" has the same meaning as in 1065
section 5321.01 of the Revised Code, except "residential 1066
premises" does not include a dwelling unit that is owned or 1067
operated by a college or university. 1068

~~(ii)~~ (b) "Landlord," "tenant," and "rental agreement" have 1069
the same meanings as in section 5321.01 of the Revised Code. 1070

(D) A person who holds a valid concealed handgun license 1071
issued by another state that is recognized by the attorney 1072
general pursuant to a reciprocity agreement entered into 1073
pursuant to section 109.69 of the Revised Code or a person who 1074
holds a valid concealed handgun license under the circumstances 1075
described in division (B) of section 109.69 of the Revised Code 1076
has the same right to carry a concealed handgun in this state as 1077
a person who was issued a concealed handgun license under 1078

section 2923.125 of the Revised Code and is subject to the same 1079
restrictions that apply to a person who carries a license issued 1080
under that section. 1081

(E) (1) A peace officer has the same right to carry a 1082
concealed handgun in this state as a person who was issued a 1083
concealed handgun license under section 2923.125 of the Revised 1084
Code. For purposes of reciprocity with other states, a peace 1085
officer shall be considered to be a licensee in this state. 1086

(2) An active duty member of the armed forces of the 1087
United States who is carrying a valid military identification 1088
card and documentation of successful completion of firearms 1089
training that meets or exceeds the training requirements 1090
described in division (G) (1) of section 2923.125 of the Revised 1091
Code has the same right to carry a concealed handgun in this 1092
state as a person who was issued a concealed handgun license 1093
under section 2923.125 of the Revised Code and is subject to the 1094
same restrictions as specified in this section. 1095

(F) (1) A qualified retired peace officer who possesses a 1096
retired peace officer identification card issued pursuant to 1097
division (F) (2) of this section and a valid firearms 1098
requalification certification issued pursuant to division (F) (3) 1099
of this section has the same right to carry a concealed handgun 1100
in this state as a person who was issued a concealed handgun 1101
license under section 2923.125 of the Revised Code and is 1102
subject to the same restrictions that apply to a person who 1103
carries a license issued under that section. For purposes of 1104
reciprocity with other states, a qualified retired peace officer 1105
who possesses a retired peace officer identification card issued 1106
pursuant to division (F) (2) of this section and a valid firearms 1107
requalification certification issued pursuant to division (F) (3) 1108

of this section shall be considered to be a licensee in this 1109
state. 1110

(2) (a) Each public agency of this state or of a political 1111
subdivision of this state that is served by one or more peace 1112
officers shall issue a retired peace officer identification card 1113
to any person who retired from service as a peace officer with 1114
that agency, if the issuance is in accordance with the agency's 1115
policies and procedures and if the person, with respect to the 1116
person's service with that agency, satisfies all of the 1117
following: 1118

(i) The person retired in good standing from service as a 1119
peace officer with the public agency, and the retirement was not 1120
for reasons of mental instability. 1121

(ii) Before retiring from service as a peace officer with 1122
that agency, the person was authorized to engage in or supervise 1123
the prevention, detection, investigation, or prosecution of, or 1124
the incarceration of any person for, any violation of law and 1125
the person had statutory powers of arrest. 1126

(iii) At the time of the person's retirement as a peace 1127
officer with that agency, the person was trained and qualified 1128
to carry firearms in the performance of the peace officer's 1129
duties. 1130

(iv) Before retiring from service as a peace officer with 1131
that agency, the person was regularly employed as a peace 1132
officer for an aggregate of fifteen years or more, or, in the 1133
alternative, the person retired from service as a peace officer 1134
with that agency, after completing any applicable probationary 1135
period of that service, due to a service-connected disability, 1136
as determined by the agency. 1137

(b) A retired peace officer identification card issued to 1138
a person under division (F)(2)(a) of this section shall identify 1139
the person by name, contain a photograph of the person, identify 1140
the public agency of this state or of the political subdivision 1141
of this state from which the person retired as a peace officer 1142
and that is issuing the identification card, and specify that 1143
the person retired in good standing from service as a peace 1144
officer with the issuing public agency and satisfies the 1145
criteria set forth in divisions (F)(2)(a)(i) to (iv) of this 1146
section. In addition to the required content specified in this 1147
division, a retired peace officer identification card issued to 1148
a person under division (F)(2)(a) of this section may include 1149
the firearms requalification certification described in division 1150
(F)(3) of this section, and if the identification card includes 1151
that certification, the identification card shall serve as the 1152
firearms requalification certification for the retired peace 1153
officer. If the issuing public agency issues credentials to 1154
active law enforcement officers who serve the agency, the agency 1155
may comply with division (F)(2)(a) of this section by issuing 1156
the same credentials to persons who retired from service as a 1157
peace officer with the agency and who satisfy the criteria set 1158
forth in divisions (F)(2)(a)(i) to (iv) of this section, 1159
provided that the credentials so issued to retired peace 1160
officers are stamped with the word "RETIRED." 1161

(c) A public agency of this state or of a political 1162
subdivision of this state may charge persons who retired from 1163
service as a peace officer with the agency a reasonable fee for 1164
issuing to the person a retired peace officer identification 1165
card pursuant to division (F)(2)(a) of this section. 1166

(3) If a person retired from service as a peace officer 1167
with a public agency of this state or of a political subdivision 1168

of this state and the person satisfies the criteria set forth in 1169
divisions (F)(2)(a)(i) to (iv) of this section, the public 1170
agency may provide the retired peace officer with the 1171
opportunity to attend a firearms requalification program that is 1172
approved for purposes of firearms requalification required under 1173
section 109.801 of the Revised Code. The retired peace officer 1174
may be required to pay the cost of the course. 1175

If a retired peace officer who satisfies the criteria set 1176
forth in divisions (F)(2)(a)(i) to (iv) of this section attends 1177
a firearms requalification program that is approved for purposes 1178
of firearms requalification required under section 109.801 of 1179
the Revised Code, the retired peace officer's successful 1180
completion of the firearms requalification program requalifies 1181
the retired peace officer for purposes of division (F) of this 1182
section for five years from the date on which the program was 1183
successfully completed, and the requalification is valid during 1184
that five-year period. If a retired peace officer who satisfies 1185
the criteria set forth in divisions (F)(2)(a)(i) to (iv) of this 1186
section satisfactorily completes such a firearms requalification 1187
program, the retired peace officer shall be issued a firearms 1188
requalification certification that identifies the retired peace 1189
officer by name, identifies the entity that taught the program, 1190
specifies that the retired peace officer successfully completed 1191
the program, specifies the date on which the course was 1192
successfully completed, and specifies that the requalification 1193
is valid for five years from that date of successful completion. 1194
The firearms requalification certification for a retired peace 1195
officer may be included in the retired peace officer 1196
identification card issued to the retired peace officer under 1197
division (F)(2) of this section. 1198

A retired peace officer who attends a firearms 1199

requalification program that is approved for purposes of 1200
firearms requalification required under section 109.801 of the 1201
Revised Code may be required to pay the cost of the program. 1202

(G) As used in this section: 1203

(1) "Qualified retired peace officer" means a person who 1204
satisfies all of the following: 1205

(a) The person satisfies the criteria set forth in 1206
divisions (F) (2) (a) (i) to (v) of this section. 1207

(b) The person is not under the influence of alcohol or 1208
another intoxicating or hallucinatory drug or substance. 1209

(c) The person is not prohibited by federal law from 1210
receiving firearms. 1211

(2) "Retired peace officer identification card" means an 1212
identification card that is issued pursuant to division (F) (2) 1213
of this section to a person who is a retired peace officer. 1214

(3) "Government facility of this state or a political 1215
subdivision of this state" means any of the following: 1216

(a) A building or part of a building that is owned or 1217
leased by the government of this state or a political 1218
subdivision of this state and where employees of the government 1219
of this state or the political subdivision regularly are present 1220
for the purpose of performing their official duties as employees 1221
of the state or political subdivision; 1222

(b) The office of a deputy registrar serving pursuant to 1223
Chapter 4503. of the Revised Code that is used to perform deputy 1224
registrar functions. 1225

(4) "Governing body" has the same meaning as in section 1226

154.01 of the Revised Code. 1227

Sec. 2923.1212. (A) The following persons, boards, and 1228
entities, or designees, shall post in the following locations a 1229
sign that contains a statement in substantially the following 1230
form: "Unless otherwise authorized by law, pursuant to the Ohio 1231
Revised Code, no person shall knowingly possess, have under the 1232
person's control, convey, or attempt to convey a deadly weapon 1233
or dangerous ordnance onto these premises.": 1234

(1) The director of public safety or the person or board 1235
charged with the erection, maintenance, or repair of police 1236
stations, municipal jails, and the municipal courthouse and 1237
courtrooms in a conspicuous location at all police stations, 1238
municipal jails, and municipal courthouses and courtrooms; 1239

(2) The sheriff or sheriff's designee who has charge of 1240
the sheriff's office in a conspicuous location in that office; 1241

(3) The superintendent of the state highway patrol or the 1242
superintendent's designee in a conspicuous location at all state 1243
highway patrol stations; 1244

(4) Each sheriff, chief of police, or person in charge of 1245
every county, multicounty, municipal, municipal-county, or 1246
multicounty-municipal jail or workhouse, community-based 1247
correctional facility, halfway house, alternative residential 1248
facility, or other local or state correctional institution or 1249
detention facility within the state, or that person's designee, 1250
in a conspicuous location at that facility under that person's 1251
charge; 1252

(5) The board of trustees of a regional airport authority, 1253
chief administrative officer of an airport facility, or other 1254
person in charge of an airport facility in a conspicuous 1255

location at each ~~airport facility under that person's control~~ 1256
passenger or property screening checkpoint and wherever access 1257
is restricted through security measures by the airport authority 1258
or a public agency; 1259

(6) The officer or officer's designee who has charge of a 1260
courthouse or the building or structure in which a courtroom is 1261
located in a conspicuous location in that building or structure; 1262

(7) The superintendent of the bureau of criminal 1263
identification and investigation or the superintendent's 1264
designee in a conspicuous location in all premises controlled by 1265
that bureau; 1266

~~(8) The owner, administrator, or operator of a child day~~ 1267
~~care center, a type A family day care home, or a type B family~~ 1268
~~day care home;~~ 1269

~~(9)~~ The officer of this state or of a political 1270
subdivision of this state, or the officer's designee, who has 1271
charge of a building that is a government facility of this state 1272
or the political subdivision of this state, as defined in 1273
section 2923.126 of the Revised Code, and that is not a building 1274
that is used primarily as a shelter, restroom, parking facility 1275
for motor vehicles, or rest facility and is not a courthouse or 1276
other building or structure in which a courtroom is located that 1277
is subject to division (B) (3) of that section, unless the 1278
governing body with authority over the building has enacted a 1279
statute, ordinance, or policy that permits all or certain 1280
specific licensees to carry a concealed handgun into the 1281
building or any portion of the building. 1282

(B) The following boards, bodies, and persons, or 1283
designees, shall post in the following locations a sign that 1284

contains a statement in substantially the following form: 1285
"Unless otherwise authorized by law, pursuant to Ohio Revised 1286
Code section 2923.122, no person shall knowingly possess, have 1287
under the person's control, convey, or attempt to convey a 1288
deadly weapon or dangerous ordnance into a school safety zone.": 1289

(1) A board of education of a city, local, exempted 1290
village, or joint vocational school district or that board's 1291
designee in a conspicuous location in each building and on each 1292
parcel of real property owned or controlled by the board; 1293

(2) A governing body of a school for which the state board 1294
of education prescribes minimum standards under section 3301.07 1295
of the Revised Code or that body's designee in a conspicuous 1296
location in each building and on each parcel of real property 1297
owned or controlled by the school; 1298

(3) The principal or chief administrative officer of a 1299
nonpublic school in a conspicuous location on property owned or 1300
controlled by that nonpublic school. 1301

Sec. 2923.1214. (A) No concealed handgun licensee or 1302
qualified military member shall knowingly convey or attempt to 1303
convey a deadly weapon into any place listed in division (B) of 1304
section 2923.126 of the Revised Code or in violation of a sign 1305
posted pursuant to division (C) (3) (a) of that section, unless 1306
otherwise permitted under that section or section 2923.12, 1307
2923.121, 2923.122, or 2923.123 of the Revised Code, and do 1308
either of the following: 1309

(1) Refuse or fail to leave upon being discovered and 1310
being requested to leave by the owner, lessee, or person in 1311
control of the premises or by that individual's agent or 1312
employee; 1313

(2) Return within thirty days to the same premises while 1314
knowingly in possession of a deadly weapon without privilege to 1315
do so. 1316

(B) Whoever violates division (A) of this section is 1317
guilty of criminal trespass with a deadly weapon, a misdemeanor 1318
of the fourth degree. 1319

(C) A law enforcement officer or security officer may 1320
record any violation of division (A) of this section to 1321
determine whether the person has entered the same land or 1322
premises more than once within thirty days while knowingly in 1323
possession of a deadly weapon. 1324

(D) Except as permitted under division (G) of section 1325
2923.12 of the Revised Code, no law enforcement officer shall 1326
seize or authorize the seizure of the person's deadly weapon, 1327
ammunition, or accessories upon discovering a person conveying 1328
or attempting to convey a deadly weapon into a place where the 1329
weapon is prohibited, unless the person also violates division 1330
(A) (1) or (2) of this section. 1331

Section 2. That existing sections 2923.11, 2923.12, 1332
2923.121, 2923.122, 2923.123, 2923.126, and 2923.1212 of the 1333
Revised Code are hereby repealed. 1334

Section 3. This act shall be known as the 1335
"Decriminalization Effort For Ending Notorious Deaths (DEFEND)." 1336