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Sub. H. B. No. 203

Representative Johnson

**Cosponsors: Representatives Henne, Gonzales, Adams, J., Conditt,
Rutherford, Maag, Hottinger, Terhar, Brenner, Beck, Lynch, Sprague, Becker,
Derickson, Wachtmann, Buchy, Perales, Amstutz, Blair, Boose, Burkley,
Dovilla, Green, Hall, Hayes, Hood, Landis, McClain, Rosenberger, Ruhl,
Sears, Smith, Young Speaker Batchelder**

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A B I L L

To amend sections 9.68, 109.69, 109.731, 109.85,	1
109.86, 311.41, 311.42, 2901.09, 2917.11, 2917.31,	2
2923.11, 2923.125, 2923.1213, 2923.13, and 2923.14	3
and to repeal sections 2923.1210 and 2923.22 of	4
the Revised Code to modify concealed handgun law;	5
to permit investigators employed by the Attorney	6
General to investigate Medicaid fraud to go armed	7
in the same manner as sheriffs and regularly	8
appointed police officers; to expand the locations	9
at which a person has no duty to retreat before	10
using force in self-defense; and to provide that	11
the exercise of a constitutional or statutory	12
right is not, in itself, the offense of disorderly	13
conduct or inducing panic and does not constitute	14
reasonable, articulable suspicion of criminal	15
activity.	16

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

Section 1. That sections 9.68, 109.69, 109.731, 109.85,
109.86, 311.41, 311.42, 2901.09, 2917.11, 2917.31, 2923.11,
2923.125, 2923.1213, 2923.13, and 2923.14 of the Revised Code be
amended to read as follows:

Sec. 9.68. (A) The individual right to keep and bear arms,
being a fundamental individual right that predates the United
States Constitution and Ohio Constitution, and being a
constitutionally protected right in every part of Ohio, the
general assembly finds the need to provide uniform laws throughout
the state regulating the ownership, possession, purchase, other
acquisition, transport, storage, carrying, sale, or other transfer
of firearms, their components, and their ammunition. Except as
specifically provided by the United States Constitution, Ohio
Constitution, state law, or federal law, a person, without further
license, permission, restriction, delay, or process, may own,
possess, purchase, sell, transfer, transport, store, or keep any
firearm, part of a firearm, its components, and its ammunition.

(B) If, in an action or proceeding, the validity of a
firearms ordinance, rule, or regulation is questioned under
division (A) of this section:

(1) Voluntary repeal of the ordinance, rule, or regulation
during the action or proceeding entitles the person, group, or
entity questioning the ordinance, rule, or regulation to judgement
in the person's, group's, or entity's favor, and the court shall
award to the person, group, or entity a civil forfeiture of one
hundred dollars for each day the challenged ordinance, rule, or
regulation remained in effect after the action or proceeding
commenced.

(2) In addition to any other relief provided, the court shall
award costs and reasonable attorney fees to any person, group, or

entity that prevails in a challenge to an a firearms ordinance,	47
rule, or regulation as being in conflict with this section Ohio	48
<u>law.</u>	49
(C) As used in this section:	50
(1) The possession, transporting, or carrying of firearms,	51
their components, or their ammunition include, but are not limited	52
to, the possession, transporting, or carrying, openly or concealed	53
on a person's person or concealed ready at hand, of firearms,	54
their components, or their ammunition.	55
(2) "Firearm" has the same meaning as in section 2923.11 of	56
the Revised Code.	57
(D) This section does not apply to either of the following:	58
(1) A zoning ordinance that regulates or prohibits the	59
commercial sale of firearms, firearm components, or ammunition for	60
firearms in areas zoned for residential or agricultural uses;	61
(2) A zoning ordinance that specifies the hours of operation	62
or the geographic areas where the commercial sale of firearms,	63
firearm components, or ammunition for firearms may occur, provided	64
that the zoning ordinance is consistent with zoning ordinances for	65
other retail establishments in the same geographic area and does	66
not result in a de facto prohibition of the commercial sale of	67
firearms, firearm components, or ammunition for firearms in areas	68
zoned for commercial, retail, or industrial uses.	69
 Sec. 109.69. (A) <u>The attorney general shall determine if</u>	70
<u>another state automatically, without written agreement, recognizes</u>	71
<u>a concealed handgun license issued under section 2923.125 or</u>	72
<u>2923.1213 of the Revised Code. If the attorney general determines</u>	73
<u>that another state automatically, without written agreement,</u>	74
<u>recognizes a concealed carry license issued under either of those</u>	75
<u>sections, all of the following apply:</u>	76

<u>(1) The attorney general shall publish that determination in the same manner that written agreements entered into under division (B)(1) or (2) of this section are published.</u>	77 78 79
<u>(2) That determination shall have the same force and effect as a written agreement entered into under division (B)(1) or (2) of this section.</u>	80 81 82
<u>(3) The concealed handgun license issued by the other state shall be accepted and is valid in this state in the same manner as if a written agreement between this state and the other state existed under division (B)(1) or (2) of this section.</u>	83 84 85 86
<u>(B)(1) The attorney general shall negotiate and enter into a reciprocity agreement with any other license-issuing state under which a concealed handgun license that is issued by the other state is recognized in this state if the attorney general determines that both of the following apply:</u>	87 88 89 90 91
<u>(a) The eligibility requirements imposed by that license issuing state for that license are substantially comparable to the eligibility requirements for a concealed handgun license issued under section 2923.125 of the Revised Code.</u>	92 93 94 95
<u>(b) That the license-issuing state recognizes a concealed handgun license issued under section 2923.125 of the Revised Code and the license-issuing state requires a reciprocity agreement in order to recognize a license issued under section 2923.125 of the Revised Code.</u>	96 97 98 99 100
<u>(2) A reciprocity agreement entered into under division (A)(B)(1) of this section also may provide for the recognition in this state of a concealed handgun license issued on a temporary or emergency basis by the other license-issuing state, if the eligibility requirements imposed by that license issuing state for the temporary or emergency license are substantially comparable to the eligibility requirements for a concealed handgun license</u>	101 102 103 104 105 106 107

issued under section 2923.125 or 2923.1213 of the Revised Code and if that license-issuing state recognizes a concealed handgun license issued under section 2923.1213 of the Revised Code.	108 109 110
(3) The attorney general shall not negotiate any agreement with any other license issuing state under which a concealed handgun license issued by the other state is recognized in this state other than as provided in divisions (A)(1) and (2) of this section.	111 112 113 114 115
(B)(C) As used in this section:	116
(1) "Handgun" and "concealed handgun license" have the same meanings as in section 2923.11 of the Revised Code.	117 118
(2) "License-issuing state" means a state other than this state that, pursuant to law, provides for the issuance of a license to carry a concealed handgun.	119 120 121
Sec. 109.731. (A)(1) The Ohio peace officer training commission attorney general shall prescribe, and shall make available to sheriffs, all of the following:	122 123 124
(1) An application form that is to be used under section 2923.125 of the Revised Code by a person who applies for a concealed handgun license and an application form that is to be used under section 2923.125 of the Revised Code by a person who applies for the renewal of a license of that nature, both of which shall conform substantially to the forms prescribed in section 2923.1210 of the Revised Code;	125 126 127 128 129 130 131
(2) A. The attorney general shall design the form to enable applicants to provide the information that is required by law to be collected, and shall update the form as necessary. Burdens or restrictions to obtaining a concealed handgun license that are not expressly prescribed in law shall not be incorporated into the form.	132 133 134 135 136 137

<u>(2) The Ohio peace officer training commission shall prescribe, and shall make available to sheriffs, a form for the concealed handgun license that is to be issued by sheriffs to persons who qualify for a concealed handgun license under section 2923.125 of the Revised Code and that conforms to the following requirements:</u>	138
(a) It has space for the licensee's full name, residence address, and date of birth and for a color photograph of the licensee.	144
(b) It has space for the date of issuance of the license, its expiration date, its county of issuance, the name of the sheriff who issues the license, and the unique combination of letters and numbers that identify the county of issuance and the license given to the licensee by the sheriff in accordance with division (A)(4) of this section.	147
(c) It has space for the signature of the licensee and the signature or a facsimile signature of the sheriff who issues the license.	153
(d) It does not require the licensee to include serial numbers of handguns, other identification related to handguns, or similar data that is not pertinent or relevant to obtaining the license and that could be used as a de facto means of registration of handguns owned by the licensee.	156
(3) A series of three-letter county codes that identify each county in this state;	161
(4) A procedure by which a sheriff shall give each concealed handgun license, replacement concealed handgun license, or renewal concealed handgun license and each concealed handgun license on a temporary emergency basis or replacement license on a temporary emergency basis the sheriff issues under section 2923.125 or 2923.1213 of the Revised Code a unique combination of letters and	163
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numbers that identifies the county in which the license was issued and that uses the county code and a unique number for each license the sheriff of that county issues;	169 170 171
(5) A form for a concealed handgun license on a temporary emergency basis that is to be issued by sheriffs to persons who qualify for such a license under section 2923.1213 of the Revised Code, which form shall conform to all the requirements set forth in divisions (A)(2)(a) to (d) of this section and shall additionally conspicuously specify that the license is issued on a temporary emergency basis and the date of its issuance.	172 173 174 175 176 177 178
(B)(1) The Ohio peace officer training commission, in consultation with the attorney general, shall prepare a pamphlet that does all of the following, in everyday language:	179 180 181
(a) Explains the firearms laws of this state;	182
(b) Instructs the reader in dispute resolution and explains the laws of this state related to that matter;	183 184
(c) Provides information to the reader regarding all aspects of the use of deadly force with a firearm, including, but not limited to, the steps that should be taken before contemplating the use of, or using, deadly force with a firearm, possible alternatives to using deadly force with a firearm, and the law governing the use of deadly force with a firearm.	185 186 187 188 189 190
(2) The attorney general shall consult with and assist the commission in the preparation of the pamphlet described in division (B)(1) of this section and, as necessary, shall recommend to the commission changes in the pamphlet to reflect changes in the law that are relevant to it. The attorney general shall publish the pamphlet on the web site of the attorney general and shall provide the address of the web site to any person who requests the pamphlet.	191 192 193 194 195 196 197 198
(C) The Ohio peace officer training commission shall maintain	199

statistics with respect to the issuance, renewal, suspension, 200
revocation, and denial of concealed handgun licenses under section 201
2923.125 of the Revised Code and the suspension of processing of 202
applications for those licenses, and with respect to the issuance, 203
suspension, revocation, and denial of concealed handgun licenses 204
on a temporary emergency basis under section 2923.1213 of the 205
Revised Code, as reported by the sheriffs pursuant to division (C) 206
of section 2923.129 of the Revised Code. Not later than the first 207
day of March in each year, the commission shall submit a 208
statistical report to the governor, the president of the senate, 209
and the speaker of the house of representatives indicating the 210
number of concealed handgun licenses that were issued, renewed, 211
suspended, revoked, and denied under section 2923.125 of the 212
Revised Code in the previous calendar year, the number of 213
applications for those licenses for which processing was suspended 214
in accordance with division (D)(3) of that section in the previous 215
calendar year, and the number of concealed handgun licenses on a 216
temporary emergency basis that were issued, suspended, revoked, or 217
denied under section 2923.1213 of the Revised Code in the previous 218
calendar year. Nothing in the statistics or the statistical report 219
shall identify, or enable the identification of, any individual 220
who was issued or denied a license, for whom a license was 221
renewed, whose license was suspended or revoked, or for whom 222
application processing was suspended. The statistics and the 223
statistical report are public records for the purpose of section 224
149.43 of the Revised Code. 225

(D) As used in this section, "concealed handgun license" and 226
"handgun" have the same meanings as in section 2923.11 of the 227
Revised Code. 228

Sec. 109.85. (A) Upon the written request of the governor, 229
the general assembly, the auditor of state, the medicaid director, 230
the director of health, or the director of budget and management, 231

or upon the attorney general's becoming aware of criminal or 232
improper activity related to Chapter 3721. of the Revised Code and 233
the medicaid program, the attorney general shall investigate any 234
criminal or civil violation of law related to Chapter 3721. of the 235
Revised Code or the medicaid program. 236

(B) When it appears to the attorney general, as a result of 237
an investigation under division (A) of this section, that there is 238
cause to prosecute for the commission of a crime or to pursue a 239
civil remedy, the attorney general may refer the evidence to the 240
prosecuting attorney having jurisdiction of the matter, or to a 241
regular grand jury drawn and impaneled pursuant to sections 242
2939.01 to 2939.24 of the Revised Code, or to a special grand jury 243
drawn and impaneled pursuant to section 2939.17 of the Revised 244
Code, or the attorney general may initiate and prosecute any 245
necessary criminal or civil actions in any court or tribunal of 246
competent jurisdiction in this state. When proceeding under this 247
section, the attorney general, and any assistant or special 248
counsel designated by the attorney general for that purpose, have 249
all rights, privileges, and powers of prosecuting attorneys. The 250
attorney general shall have exclusive supervision and control of 251
all investigations and prosecutions initiated by the attorney 252
general under this section. The forfeiture provisions of Chapter 253
2981. of the Revised Code apply in relation to any such criminal 254
action initiated and prosecuted by the attorney general. 255

(C) Nothing in this section shall prevent a county 256
prosecuting attorney from investigating and prosecuting criminal 257
activity related to Chapter 3721. of the Revised Code and the 258
medicaid program. The forfeiture provisions of Chapter 2981. of 259
the Revised Code apply in relation to any prosecution of criminal 260
activity related to the medicaid program undertaken by the 261
prosecuting attorney. 262

Investigators conducting an investigation pursuant to this 263

section may be authorized to go armed while conducting an 264
investigation under this section and if so authorized are exempt 265
from section 2923.12 of the Revised Code in the same manner as 266
sheriffs and regularly appointed police officers. 267

Sec. 109.86. (A) The attorney general shall investigate any 268
activity the attorney general has reasonable cause to believe is 269
in violation of section 2903.34 of the Revised Code. Upon written 270
request of the governor, the general assembly, the auditor of 271
state, or the director of health, job and family services, aging, 272
mental health and addiction services, or developmental 273
disabilities, the attorney general shall investigate any activity 274
these persons believe is in violation of section 2903.34 of the 275
Revised Code. If after an investigation the attorney general has 276
probable cause to prosecute for the commission of a crime, the 277
attorney general shall refer the evidence to the prosecuting 278
attorney, director of law, or other similar chief legal officer 279
having jurisdiction over the matter. If the prosecuting attorney 280
decides to present the evidence to a grand jury, the prosecuting 281
attorney shall notify the attorney general in writing of the 282
decision within thirty days after referral of the matter and shall 283
present the evidence prior to the discharge of the next regular 284
grand jury. If the director of law or other chief legal officer 285
decides to prosecute the case, the director or officer shall 286
notify the attorney general in writing of the decision within 287
thirty days and shall initiate prosecution within sixty days after 288
the matter was referred to the director or officer. 289

(B) If the prosecuting attorney, director of law, or other 290
chief legal officer fails to notify the attorney general or to 291
present evidence or initiate prosecution in accordance with 292
division (A) of this section, the attorney general may present the 293
evidence to a regular grand jury drawn and impaneled pursuant to 294
sections 2939.01 to 2939.24 of the Revised Code, or to a special 295

grand jury drawn and impaneled pursuant to section 2939.17 of the 296
Revised Code, or the attorney general may initiate and prosecute 297
any action in any court or tribunal of competent jurisdiction in 298
this state. The attorney general, and any assistant or special 299
counsel designated by the attorney general, have all the powers of 300
a prosecuting attorney, director of law, or other chief legal 301
officer when proceeding under this section. Nothing in this 302
section shall limit or prevent a prosecuting attorney, director of 303
law, or other chief legal officer from investigating and 304
prosecuting criminal activity committed against a resident or 305
patient of a care facility. 306

Investigators conducting an investigation pursuant to this 307
section may be authorized to go armed while conducting an 308
investigation under this section and if so authorized are exempt 309
from section 2923.12 of the Revised Code in the same manner as 310
sheriffs and regularly appointed police officers. 311

Sec. 311.41. (A)(1) Upon receipt of an application for a 312
concealed handgun license under division (C) of section 2923.125 313
of the Revised Code, an application to renew a concealed handgun 314
license under division (F) of that section, or an application for 315
a concealed handgun license on a temporary emergency basis under 316
section 2923.1213 of the Revised Code, the sheriff shall conduct a 317
criminal records check and an incompetency check of the applicant 318
to determine whether the applicant fails to meet the criteria 319
described in division (D)(1) of section 2923.125 of the Revised 320
Code. As part of any such criminal records check, the sheriff 321
shall contact the national instant criminal background check 322
system to verify that the applicant is eligible lawfully to 323
receive or possess a firearm in the United States. The sheriff 324
shall conduct the criminal records check and the incompetency 325
records check required by this division through use of an 326
electronic fingerprint reading device or, if the sheriff does not 327

possess and does not have ready access to the use of an electronic fingerprint reading device, by requesting the bureau of criminal identification and investigation to conduct the checks as described in this division.	328 329 330 331
In order to conduct the criminal records check and the incompetency records check, the sheriff shall obtain the fingerprints of at least four fingers of the applicant by using an electronic fingerprint reading device for the purpose of conducting the criminal records check and the incompetency records check or, if the sheriff does not possess and does not have ready access to the use of an electronic fingerprint reading device, shall obtain from the applicant a completed standard fingerprint impression sheet prescribed pursuant to division (C)(2) of section 109.572 of the Revised Code. The fingerprints so obtained, along with the applicant's social security number, shall be used to conduct the criminal records check and the incompetency records check. If the sheriff does not use an electronic fingerprint reading device to obtain the fingerprints and conduct the records checks, the sheriff shall submit the completed standard fingerprint impression sheet of the applicant, along with the applicant's social security number, to the superintendent of the bureau of criminal identification and investigation and shall request the bureau to conduct the criminal records check and the incompetency records check of the applicant and, if necessary, shall request the superintendent of the bureau to obtain information from the federal bureau of investigation as part of the criminal records check for the applicant. If it is not possible to use an electronic fingerprint reading device to conduct an incompetency records check, the sheriff shall submit the completed standard fingerprint impression sheet of the applicant, along with the applicant's social security number, to the superintendent of the bureau of criminal identification and investigation and shall request the bureau to conduct the	332 333 334 335 336 337 338 339 340 341 342 343 344 345 346 347 348 349 350 351 352 353 354 355 356 357 358 359 360

incompetency records check. The sheriff shall not retain the 361
applicant's fingerprints as part of the application. 362

(2) Except as otherwise provided in this division, if at any 363
time the applicant decides not to continue with the application 364
process, the sheriff immediately shall cease any investigation 365
that is being conducted under division (A)(1) of this section. The 366
sheriff shall not cease that investigation if, at the time of the 367
applicant's decision not to continue with the application process, 368
the sheriff had determined from any of the sheriff's 369
investigations that the applicant then was engaged in activity of 370
a criminal nature. 371

(B) If a criminal records check and an incompetency records 372
check conducted under division (A) of this section do not indicate 373
that the applicant fails to meet the criteria described in 374
division (D)(1) of section 2923.125 of the Revised Code, except as 375
otherwise provided in this division, the sheriff shall destroy or 376
cause a designated employee to destroy all records other than the 377
application for a concealed handgun license, the application to 378
renew a concealed handgun license, or the affidavit submitted 379
regarding an application for a concealed handgun license on a 380
temporary emergency basis that were made in connection with the 381
criminal records check and incompetency records check within 382
twenty days after conducting the criminal records check and 383
incompetency records check. If an applicant appeals a denial of an 384
application as described in division (D)(2) of section 2923.125 of 385
the Revised Code or challenges the results of a criminal records 386
check pursuant to section 2923.127 of the Revised Code, records of 387
fingerprints of the applicant shall not be destroyed during the 388
pendency of the appeal or the challenge and review. When an 389
applicant appeals a denial as described in that division, the 390
twenty-day period described in this division commences regarding 391
the fingerprints upon the determination of the appeal. When 392

required as a result of a challenge and review performed pursuant to section 2923.127 of the Revised Code, the source the sheriff used in conducting the criminal records check shall destroy or the chief operating officer of the source shall cause an employee of the source designated by the chief to destroy all records other than the application for a concealed handgun license, the application to renew a concealed handgun license, or the affidavit submitted regarding an application for a concealed handgun license on a temporary emergency basis that were made in connection with the criminal records check within twenty days after completion of that challenge and review.	393 394 395 396 397 398 399 400 401 402 403
(C) If division (B) of this section applies to a particular criminal records check or incompetency records check, no sheriff, employee of a sheriff designated by the sheriff to destroy records under that division, source the sheriff used in conducting the criminal records check or incompetency records check, or employee of the source designated by the chief operating officer of the source to destroy records under that division shall fail to destroy or cause to be destroyed within the applicable twenty-day period specified in that division all records other than the application for a concealed handgun license, the application to renew a concealed handgun license, or the affidavit submitted regarding an application for a concealed handgun license on a temporary emergency basis made in connection with the particular criminal records check or incompetency records check.	404 405 406 407 408 409 410 411 412 413 414 415 416 417
(D) Whoever violates division (C) of this section is guilty of failure to destroy records, a misdemeanor of the second degree.	418 419
(E) As used in this section, <u>"concealed:</u>	420
(1) <u>"Concealed handgun license"</u> and "handgun" have the same meanings as in section 2923.11 of the Revised Code.	421 422
(2) <u>"National instant criminal background check system"</u> means	423

the system established by the United States attorney general 424
pursuant to section 103 of the "Brady Handgun Violence Prevention 425
Act," Pub. L. No. 103-159. 426

Sec. 311.42. (A) Each county shall establish in the county 427
treasury a sheriff's concealed handgun license issuance expense 428
fund. The sheriff of that county shall deposit into that fund all 429
fees paid by applicants for the issuance or renewal of a concealed 430
handgun license or duplicate concealed handgun license under 431
section 2923.125 of the Revised Code and all fees paid by the 432
person seeking a concealed handgun license on a temporary 433
emergency basis under section 2923.1213 of the Revised Code. The 434
county shall distribute all fees deposited into the fund except 435
forty dollars of each fee paid by an applicant under division (B) 436
of section 2923.125 of the Revised Code, fifteen dollars of each 437
fee paid under section 2923.1213 of the Revised Code, and 438
thirty-five dollars of each fee paid under division (F) of section 439
2923.125 of the Revised Code to the attorney general to be used to 440
pay the cost of background checks performed by the bureau of 441
criminal identification and investigation and the federal bureau 442
of investigation and to cover administrative costs associated with 443
issuing the license. 444

(B) The sheriff, with the approval of the board of county 445
commissioners, may expend any county portion of the fees deposited 446
into the sheriff's concealed handgun license issuance expense fund 447
for any costs incurred by the sheriff in connection with 448
performing; 449

(1) Performing any administrative functions related to the 450
issuance of concealed handgun licenses under section 2923.125 or 451
2923.1213 of the Revised Code, including, but not limited to, 452
personnel expenses and the costs of any handgun safety education 453
program that the sheriff chooses to fund. Additionally, the 454

sheriff, with the approval of the board of county commissioners,	455
may expend any county portion of the fees deposited into the	456
sheriff's concealed handgun license issuance expense fund for	457
costs of ammunition used in a course, class, or program	458
administered by the sheriff for a concealed handgun license; <u>or</u>	459
(2) <u>Firearm training, education, or qualification programs.</u>	460
<u>A sheriff shall not expend fees for the purposes described in</u>	461
<u>division (B)(2) of this section if, within that sheriff's county,</u>	462
<u>both of the following conditions exist:</u>	463
(a) <u>A person must make an appointment with the sheriff's</u>	464
<u>office to submit an application for a concealed handgun license</u>	465
<u>under section 2923.125 of the Revised Code; and</u>	466
(b) <u>The sheriff's office does not typically have appointments</u>	467
<u>available within thirty days of the day the person requests an</u>	468
<u>appointment.</u>	469
 Sec. 2901.09. (A) <u>As used in this section, "residence" and</u>	470
<u>"vehicle"</u> <u>have the same meanings as in section 2901.05 of the</u>	471
<u>Revised Code.</u>	472
(B) <u>For purposes of any section of the Revised Code that sets</u>	473
<u>forth a criminal offense, a person who lawfully is in that</u>	474
<u>person's residence has no duty to retreat before using force in</u>	475
<u>self-defense, defense of another, or defense of that person's</u>	476
<u>residence, and a person who lawfully is an occupant of that</u>	477
<u>person's vehicle or who lawfully is an occupant in a vehicle owned</u>	478
<u>by an immediate family member of the person has no duty to retreat</u>	479
<u>before using force in self defense or defense of another if that</u>	480
<u>person is in a place that the person lawfully has a right to be.</u>	481
 Sec. 2917.11. (A) <u>No person shall recklessly cause</u>	482
<u>inconvenience, annoyance, or alarm to another by doing any of the</u>	483
<u>following:</u>	484

(1) Engaging in fighting, in threatening harm to persons or property, or in violent or turbulent behavior;	485 486
(2) Making unreasonable noise or an offensively coarse utterance, gesture, or display or communicating unwarranted and grossly abusive language to any person;	487 488 489
(3) Insulting, taunting, or challenging another, under circumstances in which that conduct is likely to provoke a violent response;	490 491 492
(4) Hindering or preventing the movement of persons on a public street, road, highway, or right-of-way, or to, from, within, or upon public or private property, so as to interfere with the rights of others, and by any act that serves no lawful and reasonable purpose of the offender;	493 494 495 496 497
(5) Creating a condition that is physically offensive to persons or that presents a risk of physical harm to persons or property, by any act that serves no lawful and reasonable purpose of the offender.	498 499 500 501
(B) No person, while voluntarily intoxicated, shall do either of the following:	502 503
(1) In a public place or in the presence of two or more persons, engage in conduct likely to be offensive or to cause inconvenience, annoyance, or alarm to persons of ordinary sensibilities, which conduct the offender, if the offender were not intoxicated, should know is likely to have that effect on others;	504 505 506 507 508 509
(2) Engage in conduct or create a condition that presents a risk of physical harm to the offender or another, or to the property of another.	510 511 512
(C) Violation of any statute or ordinance of which an element is operating a motor vehicle, locomotive, watercraft, aircraft, or	513 514

other vehicle while under the influence of alcohol or any drug of abuse, is not a violation of division (B) of this section.	515 516
(D) If a person appears to an ordinary observer to be intoxicated, it is probable cause to believe that person is voluntarily intoxicated for purposes of division (B) of this section.	517 518 519 520
(E) <u>The exercise of a constitutional or statutory right is not, in itself, a violation of this section and does not constitute reasonable, articulable suspicion of criminal activity.</u>	521 522 523
(F)(1) Whoever violates this section is guilty of disorderly conduct.	524 525
(2) Except as otherwise provided in division (E) (F)(3) of this section, disorderly conduct is a minor misdemeanor.	526 527
(3) Disorderly conduct is a misdemeanor of the fourth degree if any of the following applies:	528 529
(a) The offender persists in disorderly conduct after reasonable warning or request to desist.	530 531
(b) The offense is committed in the vicinity of a school or in a school safety zone.	532 533
(c) The offense is committed in the presence of any law enforcement officer, firefighter, rescuer, medical person, emergency medical services person, or other authorized person who is engaged in the person's duties at the scene of a fire, accident, disaster, riot, or emergency of any kind.	534 535 536 537 538
(d) The offense is committed in the presence of any emergency facility person who is engaged in the person's duties in an emergency facility.	539 540 541
(F)(G) As used in this section:	542
(1) "Emergency medical services person" is the singular of "emergency medical services personnel" as defined in section	543 544

2133.21 of the Revised Code.	545
(2) "Emergency facility person" is the singular of "emergency facility personnel" as defined in section 2909.04 of the Revised Code.	546 547 548
(3) "Emergency facility" has the same meaning as in section 2909.04 of the Revised Code.	549 550
(4) "Committed in the vicinity of a school" has the same meaning as in section 2925.01 of the Revised Code.	551 552
Sec. 2917.31. (A) No person shall cause the evacuation of any public place, or otherwise cause serious public inconvenience or alarm, by doing any of the following:	553 554 555
(1) Initiating or circulating a report or warning of an alleged or impending fire, explosion, crime, or other catastrophe, knowing that such report or warning is false;	556 557 558
(2) Threatening to commit any offense of violence;	559
(3) Committing any offense, with reckless disregard of the likelihood that its commission will cause serious public inconvenience or alarm.	560 561 562
(B)(1) Division (A)(1) of this section does not apply to any person conducting an authorized fire or emergency drill.	563 564
<u>(2) The exercise of a constitutional or statutory right is not, in itself, a violation of this section and does not constitute reasonable, articulable suspicion of criminal activity.</u>	565 566 567
(C)(1) Whoever violates this section is guilty of inducing panic.	568 569
(2) Except as otherwise provided in division (C)(3), (4), (5), (6), (7), or (8) of this section, inducing panic is a misdemeanor of the first degree.	570 571 572
(3) Except as otherwise provided in division (C)(4), (5),	573

(6), (7), or (8) of this section, if a violation of this section results in physical harm to any person, inducing panic is a felony of the fourth degree.	574 575 576
(4) Except as otherwise provided in division (C)(5), (6), (7), or (8) of this section, if a violation of this section results in economic harm, the penalty shall be determined as follows:	577 578 579 580
(a) If the violation results in economic harm of one thousand dollars or more but less than seven thousand five hundred dollars and if division (C)(3) of this section does not apply, inducing panic is a felony of the fifth degree.	581 582 583 584
(b) If the violation results in economic harm of seven thousand five hundred dollars or more but less than one hundred fifty thousand dollars, inducing panic is a felony of the fourth degree.	585 586 587 588
(c) If the violation results in economic harm of one hundred fifty thousand dollars or more, inducing panic is a felony of the third degree.	589 590 591
(5) If the public place involved in a violation of division (A)(1) of this section is a school or an institution of higher education, inducing panic is a felony of the second degree.	592 593 594
(6) If the violation pertains to a purported, threatened, or actual use of a weapon of mass destruction, and except as otherwise provided in division (C)(5), (7), or (8) of this section, inducing panic is a felony of the fourth degree.	595 596 597 598
(7) If the violation pertains to a purported, threatened, or actual use of a weapon of mass destruction, and except as otherwise provided in division (C)(5) of this section, if a violation of this section results in physical harm to any person, inducing panic is a felony of the third degree.	599 600 601 602 603

(8) If the violation pertains to a purported, threatened, or actual use of a weapon of mass destruction, and except as otherwise provided in division (C)(5) of this section, if a violation of this section results in economic harm of one hundred thousand dollars or more, inducing panic is a felony of the third degree.	604 605 606 607 608 609
(D)(1) It is not a defense to a charge under this section that pertains to a purported or threatened use of a weapon of mass destruction that the offender did not possess or have the ability to use a weapon of mass destruction or that what was represented to be a weapon of mass destruction was not a weapon of mass destruction.	610 611 612 613 614 615
(2) Any act that is a violation of this section and any other section of the Revised Code may be prosecuted under this section, the other section, or both sections.	616 617 618
(E) As used in this section:	619
(1) "Economic harm" means any of the following:	620
(a) All direct, incidental, and consequential pecuniary harm suffered by a victim as a result of criminal conduct. "Economic harm" as described in this division includes, but is not limited to, all of the following:	621 622 623 624
(i) All wages, salaries, or other compensation lost as a result of the criminal conduct;	625 626
(ii) The cost of all wages, salaries, or other compensation paid to employees for time those employees are prevented from working as a result of the criminal conduct;	627 628 629
(iii) The overhead costs incurred for the time that a business is shut down as a result of the criminal conduct;	630 631
(iv) The loss of value to tangible or intangible property that was damaged as a result of the criminal conduct.	632 633

(b) All costs incurred by the state or any political subdivision as a result of, or in making any response to, the criminal conduct that constituted the violation of this section or section 2917.32 of the Revised Code, including, but not limited to, all costs so incurred by any law enforcement officers, firefighters, rescue personnel, or emergency medical services personnel of the state or the political subdivision.	634 635 636 637 638 639 640
(2) "School" means any school operated by a board of education or any school for which the state board of education prescribes minimum standards under section 3301.07 of the Revised Code, whether or not any instruction, extracurricular activities, or training provided by the school is being conducted at the time a violation of this section is committed.	641 642 643 644 645 646
(3) "Weapon of mass destruction" means any of the following:	647
(a) Any weapon that is designed or intended to cause death or serious physical harm through the release, dissemination, or impact of toxic or poisonous chemicals, or their precursors;	648 649 650
(b) Any weapon involving a disease organism or biological agent;	651 652
(c) Any weapon that is designed to release radiation or radioactivity at a level dangerous to human life;	653 654
(d) Any of the following, except to the extent that the item or device in question is expressly excepted from the definition of "destructive device" pursuant to 18 U.S.C. 921(a)(4) and regulations issued under that section:	655 656 657 658
(i) Any explosive, incendiary, or poison gas bomb, grenade, rocket having a propellant charge of more than four ounces, missile having an explosive or incendiary charge of more than one-quarter ounce, mine, or similar device;	659 660 661 662
(ii) Any combination of parts either designed or intended for	663

use in converting any item or device into any item or device described in division (E)(3)(d)(i) of this section and from which an item or device described in that division may be readily assembled.	664 665 666 667
(4) "Biological agent" has the same meaning as in section 2917.33 of the Revised Code.	668 669
(5) "Emergency medical services personnel" has the same meaning as in section 2133.21 of the Revised Code.	670 671
(6) "Institution of higher education" means any of the following:	672 673
(a) A state university or college as defined in division (A)(1) of section 3345.12 of the Revised Code, community college, state community college, university branch, or technical college;	674 675 676
(b) A private, nonprofit college, university or other post-secondary institution located in this state that possesses a certificate of authorization issued by the Ohio board of regents pursuant to Chapter 1713. of the Revised Code;	677 678 679 680
(c) A post-secondary institution with a certificate of registration issued by the state board of career colleges and schools under Chapter 3332. of the Revised Code.	681 682 683
Sec. 2923.11. As used in sections 2923.11 to 2923.24 of the Revised Code:	684 685
(A) "Deadly weapon" means any instrument, device, or thing capable of inflicting death, and designed or specially adapted for use as a weapon, or possessed, carried, or used as a weapon.	686 687 688
(B)(1) "Firearm" means any deadly weapon capable of expelling or propelling one or more projectiles by the action of an explosive or combustible propellant. "Firearm" includes an unloaded firearm, and any firearm that is inoperable but that can readily be rendered operable.	689 690 691 692 693

(2) When determining whether a firearm is capable of expelling or propelling one or more projectiles by the action of an explosive or combustible propellant, the trier of fact may rely upon circumstantial evidence, including, but not limited to, the representations and actions of the individual exercising control over the firearm.	694 695 696 697 698 699
(C) "Handgun" means any of the following:	700
(1) Any firearm that has a short stock and is designed to be held and fired by the use of a single hand;	701 702
(2) Any combination of parts from which a firearm of a type described in division (C)(1) of this section can be assembled.	703 704
(D) "Semi-automatic firearm" means any firearm designed or specially adapted to fire a single cartridge and automatically chamber a succeeding cartridge ready to fire, with a single function of the trigger.	705 706 707 708
(E) "Automatic firearm" means any firearm designed or specially adapted to fire a succession of cartridges with a single function of the trigger. "Automatic firearm" also means any semi-automatic firearm designed or specially adapted to fire more than thirty-one cartridges without reloading, other than a firearm chambering only .22 caliber short, long, or long-rifle cartridges.	709 710 711 712 713 714
(F) "Sawed-off firearm" means a shotgun with a barrel less than eighteen inches long, or a rifle with a barrel less than sixteen inches long, or a shotgun or rifle less than twenty-six inches long overall.	715 716 717 718
(G) "Zip-gun" means any of the following:	719
(1) Any firearm of crude and extemporized manufacture;	720
(2) Any device, including without limitation a starter's pistol, that is not designed as a firearm, but that is specially adapted for use as a firearm;	721 722 723

(3) Any industrial tool, signalling device, or safety device, that is not designed as a firearm, but that as designed is capable of use as such, when possessed, carried, or used as a firearm.	724 725 726
(H) "Explosive device" means any device designed or specially adapted to cause physical harm to persons or property by means of an explosion, and consisting of an explosive substance or agency and a means to detonate it. "Explosive device" includes without limitation any bomb, any explosive demolition device, any blasting cap or detonator containing an explosive charge, and any pressure vessel that has been knowingly tampered with or arranged so as to explode.	727 728 729 730 731 732 733 734
(I) "Incendiary device" means any firebomb, and any device designed or specially adapted to cause physical harm to persons or property by means of fire, and consisting of an incendiary substance or agency and a means to ignite it.	735 736 737 738
(J) "Ballistic knife" means a knife with a detachable blade that is propelled by a spring-operated mechanism.	739 740
(K) "Dangerous ordnance" means any of the following, except as provided in division (L) of this section:	741 742
(1) Any automatic or sawed-off firearm, zip-gun, or ballistic knife;	743 744
(2) Any explosive device or incendiary device;	745
(3) Nitroglycerin, nitrocellulose, nitrostarch, PETN, cyclonite, TNT, picric acid, and other high explosives; amatol, tritonal, tetrytol, pentolite, pectrotol, cyclotol, and other high explosive compositions; plastic explosives; dynamite, blasting gelatin, gelatin dynamite, sensitized ammonium nitrate, liquid-oxygen blasting explosives, blasting powder, and other blasting agents; and any other explosive substance having sufficient brisance or power to be particularly suitable for use as a military explosive, or for use in mining, quarrying,	746 747 748 749 750 751 752 753 754

excavating, or demolitions;	755
(4) Any firearm, rocket launcher, mortar, artillery piece, grenade, mine, bomb, torpedo, or similar weapon, designed and manufactured for military purposes, and the ammunition for that weapon;	756 757 758 759
(5) Any firearm muffler or silencer;	760
(6) Any combination of parts that is intended by the owner for use in converting any firearm or other device into a dangerous ordnance.	761 762 763
(L) "Dangerous ordnance" does not include any of the following:	764 765
(1) Any firearm, including a military weapon and the ammunition for that weapon, and regardless of its actual age, that employs a percussion cap or other obsolete ignition system, or that is designed and safe for use only with black powder;	766 767 768 769
(2) Any pistol, rifle, or shotgun, designed or suitable for sporting purposes, including a military weapon as issued or as modified, and the ammunition for that weapon, unless the firearm is an automatic or sawed-off firearm;	770 771 772 773
(3) Any cannon or other artillery piece that, regardless of its actual age, is of a type in accepted use prior to 1887, has no mechanical, hydraulic, pneumatic, or other system for absorbing recoil and returning the tube into battery without displacing the carriage, and is designed and safe for use only with black powder;	774 775 776 777 778
(4) Black powder, priming quills, and percussion caps possessed and lawfully used to fire a cannon of a type defined in division (L)(3) of this section during displays, celebrations, organized matches or shoots, and target practice, and smokeless and black powder, primers, and percussion caps possessed and lawfully used as a propellant or ignition device in small-arms or	779 780 781 782 783 784

small-arms ammunition;	785
(5) Dangerous ordnance that is inoperable or inert and cannot readily be rendered operable or activated, and that is kept as a trophy, souvenir, curio, or museum piece.	786 787 788
(6) Any device that is expressly excepted from the definition of a destructive device pursuant to the "Gun Control Act of 1968," 82 Stat. 1213, 18 U.S.C. 921(a)(4), as amended, and regulations issued under that act.	789 790 791 792
(M) "Explosive" means any chemical compound, mixture, or device, the primary or common purpose of which is to function by explosion. "Explosive" includes all materials that have been classified as division 1.1, division 1.2, division 1.3, or division 1.4 explosives by the United States department of transportation in its regulations and includes, but is not limited to, dynamite, black powder, pellet powders, initiating explosives, blasting caps, electric blasting caps, safety fuses, fuse igniters, squibs, cordeau detonant fuses, instantaneous fuses, and igniter cords and igniters. "Explosive" does not include "fireworks," as defined in section 3743.01 of the Revised Code, or any substance or material otherwise meeting the definition of explosive set forth in this section that is manufactured, sold, possessed, transported, stored, or used in any activity described in section 3743.80 of the Revised Code, provided the activity is conducted in accordance with all applicable laws, rules, and regulations, including, but not limited to, the provisions of section 3743.80 of the Revised Code and the rules of the fire marshal adopted pursuant to section 3737.82 of the Revised Code.	793 794 795 796 797 798 799 800 801 802 803 804 805 806 807 808 809 810 811
(N)(1) "Concealed handgun license" or "license to carry a concealed handgun" means, subject to division (N)(2) of this section, a license or temporary emergency license to carry a concealed handgun issued under section 2923.125 or 2923.1213 of the Revised Code or a license to carry a concealed handgun issued	812 813 814 815 816

by another state with which the attorney general has entered into 817
a reciprocity agreement under section 109.69 of the Revised Code. 818

(2) A reference in any provision of the Revised Code to a 819
concealed handgun license issued under section 2923.125 of the 820
Revised Code or a license to carry a concealed handgun issued 821
under section 2923.125 of the Revised Code means only a license of 822
the type that is specified in that section. A reference in any 823
provision of the Revised Code to a concealed handgun license 824
issued under section 2923.1213 of the Revised Code, a license to 825
carry a concealed handgun issued under section 2923.1213 of the 826
Revised Code, or a license to carry a concealed handgun on a 827
temporary emergency basis means only a license of the type that is 828
specified in section 2923.1213 of the Revised Code. A reference in 829
any provision of the Revised Code to a concealed handgun license 830
issued by another state or a license to carry a concealed handgun 831
issued by another state means only a license issued by another 832
state with which the attorney general has entered into a 833
reciprocity agreement under section 109.69 of the Revised Code. 834

(O) "Valid concealed handgun license" or "valid license to 835
carry a concealed handgun" means a concealed handgun license that 836
is currently valid, that is not under a suspension under division 837
(A)(1) of section 2923.128 of the Revised Code, under section 838
2923.1213 of the Revised Code, or under a suspension provision of 839
the state other than this state in which the license was issued, 840
and that has not been revoked under division (B)(1) of section 841
2923.128 of the Revised Code, under section 2923.1213 of the 842
Revised Code, or under a revocation provision of the state other 843
than this state in which the license was issued. 844

(P) "Crime punishable by imprisonment for a term exceeding 845
one year" does not include any of the following: 846

(1) Any federal or state offense pertaining to antitrust 847
violations, unfair trade practices, restraints of trade, or other 848

<u>similar offenses relating to the regulation of business practices;</u>	849
<u>(2) Any misdemeanor offense punishable by a term of imprisonment of two years or less.</u>	850
<u>(O) "Intimate partner" means, with respect to a person, the spouse of the person, a former spouse of the person, an individual who is a parent of a child of the person, and an individual who cohabitates or has cohabited with the person.</u>	852
<u>(R) "Alien registration number" means the number issued by the United States citizenship and immigration services agency that is located on the alien's permanent resident card and may also be commonly referred to as the "USCIS number" or the "alien number."</u>	856
 Sec. 2923.125. (A) It is the intent of the general assembly that Ohio concealed handgun license law be compliant with the national instant criminal background check system, that the bureau of alcohol, tobacco, firearms and explosives is able to determine that Ohio law is compliant with the national instant criminal background check system, and that no person shall be eligible to receive a concealed handgun license permit under section 2923.125 or 2923.1213 of the Revised Code unless the person is eligible lawfully to receive or possess a firearm in the United States.	860
 <u>(A) This section applies with respect to the application for and issuance by this state of concealed handgun licenses other than concealed handgun licenses on a temporary emergency basis that are issued under section 2923.1213 of the Revised Code. Upon the request of a person who wishes to obtain a concealed handgun license with respect to which this section applies or to renew a concealed handgun license with respect to which this section applies, a sheriff, as provided in division (I) of this section, shall provide to the person free of charge an application form and the web site address at which a printable version of the application form that can be downloaded and the pamphlet described</u>	869
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in division (B) of section 109.731 of the Revised Code may be 880
found. A sheriff shall accept a completed application form and the 881
fee, items, materials, and information specified in divisions 882
(B)(1) to (5) of this section at the times and in the manners 883
described in division (I) of this section. 884

(B) An applicant for a concealed handgun license ~~with respect~~ 885
~~to which this section applies who is a resident of this state~~ 886
shall submit a completed application form and all of the following 887
to the sheriff of the county in which the applicant resides or to 888
the sheriff of any county adjacent to the county in which the 889
applicant resides. An applicant for a license who resides in 890
another state shall submit a completed application form and all of 891
the following, to the sheriff of the county in which the applicant 892
is employed or to the sheriff of any county adjacent to the county 893
in which the applicant is employed: 894

(1)(a) A nonrefundable license fee as described in either of 895
the following: 896

(i) For an applicant who has been a resident of this state 897
for five or more years, a fee of sixty-seven dollars; 898

(ii) For an applicant who has been a resident of this state 899
for less than five years or who is not a resident of this state, a 900
fee of sixty-seven dollars plus the actual cost of having a 901
background check performed by the federal bureau of investigation. 902

(b) No sheriff shall require an applicant to pay for the cost 903
of a background check performed by the bureau of criminal 904
identification and investigation. 905

(c) A sheriff shall waive the payment of the license fee 906
described in division (B)(1)(a) of this section in connection with 907
an initial or renewal application for a license that is submitted 908
by an applicant who is a retired peace officer, a retired person 909
described in division (B)(1)(b) of section 109.77 of the Revised 910

Code, or a retired federal law enforcement officer who, prior to 911
retirement, was authorized under federal law to carry a firearm in 912
the course of duty, unless the retired peace officer, person, or 913
federal law enforcement officer retired as the result of a mental 914
disability. 915

(d) The sheriff shall deposit all fees paid by an applicant 916
under division (B)(1)(a) of this section into the sheriff's 917
concealed handgun license issuance fund established pursuant to 918
section 311.42 of the Revised Code. The county shall distribute 919
the fees in accordance with section 311.42 of the Revised Code. 920

(2) A color photograph of the applicant that was taken within 921
thirty days prior to the date of the application; 922

(3) One or more of the following competency certifications, 923
each of which shall reflect that, regarding a certification 924
described in division (B)(3)(a), (b), (c), (e), or (f) of this 925
section, within the three years immediately preceding the 926
application the applicant has performed that to which the 927
competency certification relates and that, regarding a 928
certification described in division (B)(3)(d) of this section, the 929
applicant currently is an active or reserve member of the armed 930
forces of the United States or ~~within the six years immediately~~ 931
~~preceding the application the is a former member of the armed~~ 932
~~forces of the United States and has retired from the armed forces~~ 933
~~or has received an honorable discharge or retirement to which the~~ 934
~~competency certification relates occurred:~~ 935

(a) An original or photocopy of a certificate of completion 936
of a firearms safety, training, or requalification or firearms 937
safety instructor course, class, or program that was offered by or 938
under the auspices of the national rifle association and that 939
complies with the requirements set forth in division (G) of this 940
section; 941

(b) An original or photocopy of a certificate of completion of a firearms safety, training, or requalification or firearms safety instructor course, class, or program that satisfies all of the following criteria:	942
(i) It was open to members of the general public.	946
(ii) It utilized qualified instructors who were certified by the national rifle association, the executive director of the Ohio peace officer training commission pursuant to section 109.75 or 109.78 of the Revised Code, or a governmental official or entity of another state.	947
(iii) It was offered by or under the auspices of a law enforcement agency of this or another state or the United States, a public or private college, university, or other similar postsecondary educational institution located in this or another state, a firearms training school located in this or another state, or another type of public or private entity or organization located in this or another state.	952
(iv) It complies with the requirements set forth in division (G) of this section.	959
(c) An original or photocopy of a certificate of completion of a state, county, municipal, or department of natural resources peace officer training school that is approved by the executive director of the Ohio peace officer training commission pursuant to section 109.75 of the Revised Code and that complies with the requirements set forth in division (G) of this section, or the applicant has satisfactorily completed and been issued a certificate of completion of a basic firearms training program, a firearms requalification training program, or another basic training program described in section 109.78 or 109.801 of the Revised Code that complies with the requirements set forth in division (G) of this section;	961

(d) A document that evidences both of the following:	973
(i) That the applicant is an active or reserve member of the armed forces of the United States, was honorably discharged from military service in the active or reserve armed forces of the United States, is a retired trooper of the state highway patrol, or is a retired peace officer or federal law enforcement officer described in division (B)(1) of this section or a retired person described in division (B)(1)(b) of section 109.77 of the Revised Code and division (B)(1) of this section;	974 975 976 977 978 979 980 981
(ii) That, through participation in the military service or through the former employment described in division (B)(3)(d)(i) of this section, the applicant acquired experience with handling handguns or other firearms, and the experience so acquired was equivalent to training that the applicant could have acquired in a course, class, or program described in division (B)(3)(a), (b), or (c) of this section.	982 983 984 985 986 987 988
(e) A certificate or another similar document that evidences satisfactory completion of a firearms training, safety, or requalification or firearms safety instructor course, class, or program that is not otherwise described in division (B)(3)(a), (b), (c), or (d) of this section, that was conducted by an instructor who was certified by an official or entity of the government of this or another state or the United States or by the national rifle association, and that complies with the requirements set forth in division (G) of this section;	989 990 991 992 993 994 995 996 997
(f) An affidavit that attests to the applicant's satisfactory completion of a course, class, or program described in division (B)(3)(a), (b), (c), or (e) of this section and that is subscribed by the applicant's instructor or an authorized representative of the entity that offered the course, class, or program or under whose auspices the course, class, or program was offered;	998 999 1000 1001 1002 1003

<u>(q) A document that evidences that the applicant has successfully completed either the Ohio peace officer training program described in section 109.79 of the Revised Code or the annual firearms requalification training program described in section 109.801 of the Revised Code.</u>	1004 1005 1006 1007 1008
<p>(4) A certification by the applicant that the applicant has read the pamphlet prepared by the Ohio peace officer training commission pursuant to section 109.731 of the Revised Code that reviews firearms, dispute resolution, and use of deadly force matters.</p>	1009 1010 1011 1012 1013
<p>(5) A set of fingerprints of the applicant provided as described in section 311.41 of the Revised Code through use of an electronic fingerprint reading device or, if the sheriff to whom the application is submitted does not possess and does not have ready access to the use of such a reading device, on a standard impression sheet prescribed pursuant to division (C)(2) of section 109.572 of the Revised Code.</p>	1014 1015 1016 1017 1018 1019 1020
<p><u>(6) If the applicant is not a citizen or national of the United States, the name of the applicant's country of citizenship and the applicant's alien registration number issued by the United States citizenship and immigration services agency.</u></p>	1021 1022 1023 1024
<p><u>(7) If the applicant resides in another state, adequate proof of employment in Ohio.</u></p>	1025 1026
<p>(C) Upon receipt of the completed application form, supporting documentation, and, if not waived, license fee of an applicant under this section, a sheriff, in the manner specified in section 311.41 of the Revised Code, shall conduct or cause to be conducted the criminal records check and the incompetency records check described in section 311.41 of the Revised Code.</p>	1027 1028 1029 1030 1031 1032
<p>(D)(1) Except as provided in division (D)(3) or (4) of this section, within forty-five days after a sheriff's receipt of an</p>	1033 1034

applicant's completed application form for a concealed handgun 1035
license under this section, the supporting documentation, and, if 1036
not waived, the license fee, the sheriff shall make available 1037
through the law enforcement automated data system in accordance 1038
with division (H) of this section the information described in 1039
that division and, upon making the information available through 1040
the system, shall issue to the applicant a concealed handgun 1041
license that shall expire as described in division (D)(2)(a) of 1042
this section if all of the following apply: 1043

(a) The applicant is legally living in the United States, ~~has~~ 1044
~~been a resident of this state for at least forty five days, and~~ 1045
~~has been a resident of the county in which the person seeks the~~ 1046
~~license or a county adjacent to the county in which the person~~ 1047
~~seeks the license for at least thirty days.~~ For purposes of 1048
division (D)(1)(a) of this section: 1049

~~(i) If, if a person is absent from the United States, from~~ 1050
~~this state, or from a particular county in this state in~~ 1051
compliance with military or naval orders as an active or reserve 1052
member of the armed forces of the United States and if prior to 1053
leaving ~~this state in compliance with those orders the United~~ 1054
~~States~~ the person was legally living in the United States ~~and was~~ 1055
~~a resident of this state,~~ the person, solely by reason of that 1056
absence, shall not be considered to have lost the person's status 1057
as living in the United States ~~or the person's residence in this~~ 1058
~~state or in the county in which the person was a resident prior to~~ 1059
~~leaving this state in compliance with those orders, without regard~~ 1060
~~to whether or not the person intends to return to this state or to~~ 1061
~~that county, shall not be considered to have acquired a residence~~ 1062
~~in any other state, and shall not be considered to have become a~~ 1063
~~resident of any other state.~~ 1064

~~(ii) If a person is present in this state in compliance with~~ 1065
~~military or naval orders as an active or reserve member of the~~ 1066

armed forces of the United States for at least forty five days,	1067
the person shall be considered to have been a resident of this state for that period of at least forty five days, and, if a person is present in a county of this state in compliance with military or naval orders as an active or reserve member of the armed forces of the United States for at least thirty days, the person shall be considered to have been a resident of that county for that period of at least thirty days.	1068
(b) The applicant is at least twenty-one years of age.	1069
(c) The applicant is not a fugitive from justice.	1070
(d) The applicant is not under indictment for or otherwise charged with a felony; an offense under Chapter 2925., 3719., or 4729. of the Revised Code that involves the illegal possession, use, sale, administration, or distribution of or trafficking in a drug of abuse; crime punishable by imprisonment for a term exceeding one year, a fifth degree felony offense of violence, a fifth degree felony that involves the illegal possession, use, sale, administration, or distribution of or trafficking in a drug of abuse, a misdemeanor offense of violence, or a violation of section 2903.14 or 2923.1211 of the Revised Code or a similar violation in another state.	1071
(e) Except as otherwise provided in division (D)(5)(4) of this section, the applicant has not been convicted of or pleaded guilty to a felony or an offense under Chapter 2925., 3719., or 4729. of the Revised Code that involves the illegal possession, use, sale, administration, or distribution of or trafficking in a drug of abuse crime punishable by imprisonment for a term exceeding one year, a fifth degree felony offense of violence or, within ten years before the date of application, a fifth degree felony that involves the illegal possession, use, sale, administration, or distribution of or trafficking in a drug of abuse; has not been adjudicated a delinquent child for committing	1072
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an act that if committed by an adult would be a ~~felony or would be~~ 1099
~~an offense under Chapter 2925., 3719., or 4729. of the Revised~~ 1100
~~Code that involves the illegal possession, use, sale,~~ 1101
~~administration, or distribution of or trafficking in a drug of~~ 1102
~~abuse a crime punishable by imprisonment for a term exceeding one~~ 1103
~~year, a fifth degree felony offense of violence or, within ten~~ 1104
~~years before the date of application, a fifth degree felony that~~ 1105
~~involves the illegal possession, use, sale, administration, or~~ 1106
~~distribution of or trafficking in a drug of abuse; and has not~~ 1107
been convicted of, pleaded guilty to, or adjudicated a delinquent 1108
child for committing a violation of section 2903.13 of the Revised 1109
Code when the victim of the violation is a peace officer, 1110
regardless of whether the applicant was sentenced under division 1111
(C)(4) of that section, or a similar violation in another state. 1112

(f) Except as otherwise provided in division (D)~~(5)~~(4) of 1113
this section, the applicant, within three years of the date of the 1114
application, has not been convicted of or pleaded guilty to a 1115
misdemeanor offense of violence other than a misdemeanor violation 1116
of section 2921.33 of the Revised Code or a violation of section 1117
2903.13 of the Revised Code when the victim of the violation is a 1118
peace officer, or a misdemeanor violation of section 2923.1211 of 1119
the Revised Code or a similar violation in another state; and has 1120
not been adjudicated a delinquent child for committing an act that 1121
if committed by an adult would be a misdemeanor offense of 1122
violence other than a misdemeanor violation of section 2921.33 of 1123
the Revised Code or a violation of section 2903.13 of the Revised 1124
Code when the victim of the violation is a peace officer or for 1125
committing an act that if committed by an adult would be a 1126
misdemeanor violation of section 2923.1211 of the Revised Code or 1127
a similar violation in another state. 1128

(g) Except as otherwise provided in division (D)(1)(e) of 1129
this section, the applicant, within five years of the date of the 1130

application, has not been convicted of, pleaded guilty to, or adjudicated a delinquent child for committing two or more violations of section 2903.13 or 2903.14 of the Revised Code <u>or a similar violation in another state.</u>	1131 1132 1133 1134
(h) Except as otherwise provided in division (D) (5) <u>(4)</u> of this section, the applicant, within ten years of the date of the application, has not been convicted of, pleaded guilty to, or adjudicated a delinquent child for committing a violation of section 2921.33 of the Revised Code <u>or a similar violation in another state.</u>	1135 1136 1137 1138 1139 1140
(i) The applicant has not been adjudicated as a mental defective, has not been committed to any mental institution, is not under adjudication of mental incompetence, has not been found by a court to be a mentally ill person subject to hospitalization by court order, and is not an involuntary patient other than one who is a patient only for purposes of observation. As used in this division, "mentally ill person subject to hospitalization by court order" and "patient" have the same meanings as in section 5122.01 of the Revised Code.	1141 1142 1143 1144 1145 1146 1147 1148 1149
(j) The applicant is not currently subject to a civil protection order, a temporary protection order, or a protection order issued by a court of another state <u>order under which it is unlawful for the applicant to possess or purchase a firearm under the "Gun Control Act of 1968," 82 Stat. 1213, 18 U.S.C. 922(q)(8).</u>	1150 1151 1152 1153 1154
(k) The applicant certifies that the applicant desires a legal means to carry a concealed handgun for defense of the applicant or a member of the applicant's family while engaged in lawful activity.	1155 1156 1157 1158
(l) The applicant submits a competency certification of the type described in division (B)(3) of this section and submits a certification of the type described in division (B)(4) of this	1159 1160 1161

section regarding the applicant's reading of the pamphlet prepared by the Ohio peace officer training commission pursuant to section 109.731 of the Revised Code.	1162 1163 1164
(m) The applicant currently is not subject to a suspension imposed under division (A)(2) of section 2923.128 of the Revised Code of a concealed handgun license that previously was issued to the applicant under this section or section 2923.1213 of the Revised Code <u>or a similar suspension imposed by another state regarding a concealed handgun license issued by that state.</u>	1165 1166 1167 1168 1169 1170
(n) <u>The applicant certifies that the applicant is not an unlawful user of or addicted to any controlled substance as defined in 21 U.S.C. 802.</u>	1171 1172 1173
(o) <u>If the applicant is not a United States citizen, the applicant is an alien and has not been admitted to the United States under a nonimmigrant visa, as defined in the "Immigration and Nationality Act," 8 U.S.C. 1101(a)(26).</u>	1174 1175 1176 1177
(p) <u>The applicant has not been discharged from the armed forces of the United States under dishonorable conditions.</u>	1178 1179
(q) <u>The applicant certifies that the applicant has not renounced the applicant's United States citizenship.</u>	1180 1181
(r) <u>The applicant has not been convicted of, pleaded guilty to, or adjudicated a delinquent child for committing a violation of section 2919.25 of the Revised Code or a similar violation in another state.</u>	1182 1183 1184 1185
(2)(a) A concealed handgun license that a sheriff issues under division (D)(1) of this section shall expire five years after the date of issuance.	1186 1187 1188
If a sheriff issues a license under this section, the sheriff shall place on the license a unique combination of letters and numbers identifying the license in accordance with the procedure	1189 1190 1191

prescribed by the Ohio peace officer training commission pursuant 1192
to section 109.731 of the Revised Code. 1193

(b) If a sheriff denies an application under this section 1194
because the applicant does not satisfy the criteria described in 1195
division (D)(1) of this section, the sheriff shall specify the 1196
grounds for the denial in a written notice to the applicant. The 1197
applicant may appeal the denial pursuant to section 119.12 of the 1198
Revised Code in the county served by the sheriff who denied the 1199
application. If the denial was as a result of the criminal records 1200
check conducted pursuant to section 311.41 of the Revised Code and 1201
if, pursuant to section 2923.127 of the Revised Code, the 1202
applicant challenges the criminal records check results using the 1203
appropriate challenge and review procedure specified in that 1204
section, the time for filing the appeal pursuant to section 119.12 1205
of the Revised Code and this division is tolled during the 1206
pendency of the request or the challenge and review. If the court 1207
in an appeal under section 119.12 of the Revised Code and this 1208
division enters a judgment sustaining the sheriff's refusal to 1209
grant to the applicant a concealed handgun license, the applicant 1210
may file a new application beginning one year after the judgment 1211
is entered. If the court enters a judgment in favor of the 1212
applicant, that judgment shall not restrict the authority of a 1213
sheriff to suspend or revoke the license pursuant to section 1214
2923.128 or 2923.1213 of the Revised Code or to refuse to renew 1215
the license for any proper cause that may occur after the date the 1216
judgment is entered. In the appeal, the court shall have full 1217
power to dispose of all costs. 1218

(3) If the sheriff with whom an application for a concealed 1219
handgun license was filed under this section becomes aware that 1220
the applicant has been arrested for or otherwise charged with an 1221
offense that would disqualify the applicant from holding the 1222
license, the sheriff shall suspend the processing of the 1223

application until the disposition of the case arising from the 1224
arrest or charge. 1225

~~(4) If the sheriff determines that the applicant is legally living in the United States and is a resident of the county in which the applicant seeks the license or of an adjacent county but does not yet meet the residency requirements described in division (D)(1)(a) of this section, the sheriff shall not deny the license because of the residency requirements but shall not issue the license until the applicant meets those residency requirements.~~ 1226
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~~(5) If an applicant has been convicted of or pleaded guilty to an offense identified in division (D)(1)(e), (f), or (h) of this section or has been adjudicated a delinquent child for committing an act or violation identified in any of those divisions, and if a court has ordered the sealing or expungement of the records of that conviction, guilty plea, or adjudication pursuant to sections 2151.355 to 2151.358, sections 2953.31 to 2953.36, or section 2953.37 of the Revised Code or a court in another state has ordered the sealing or expungement of the records of the conviction, guilty plea, or adjudication of a similar violation in another state pursuant to the laws of that state or a court has granted the applicant relief pursuant to section 2923.14 of the Revised Code or a similar statute in another state from the disability imposed pursuant to section 2923.13 of the Revised Code or a disability imposed by a court in another state relative to that conviction, guilty plea, or adjudication, the sheriff with whom the application was submitted shall not consider the conviction, guilty plea, or adjudication in making a determination under division (D)(1) or (F) of this section or, in relation to an application for a concealed handgun license on a temporary emergency basis submitted under section 2923.1213 of the Revised Code, in making a determination under division (B)(2) of that section.~~ 1233
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(E) If a concealed handgun license issued under this section
is lost or is destroyed, the licensee may obtain from the sheriff
who issued that license a duplicate license upon the payment of a
fee of fifteen dollars and the submission of an affidavit
attesting to the loss or destruction of the license. The sheriff,
in accordance with the procedures prescribed in section 109.731 of
the Revised Code, shall place on the replacement license a
combination of identifying numbers different from the combination
on the license that is being replaced. 1256
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(F)(1) A (a) Except as provided in division (F)(1)(b) of this
section, a licensee who wishes to renew a concealed handgun
license issued under this section shall do so not earlier than
ninety days before the expiration date of the license or at any
time after the expiration date of the license by filing with the
sheriff of the county in which the applicant resides or is
employed or with the sheriff of an adjacent county, an application
for renewal of the license obtained pursuant to division (D) of
this section, a certification by the applicant that, subsequent to
the issuance of the license, the applicant has reread the pamphlet
prepared by the Ohio peace officer training commission pursuant to
section 109.731 of the Revised Code that reviews firearms, dispute
resolution, and use of deadly force matters, and a nonrefundable
license renewal fee in an amount determined pursuant to division
(F)(4) of this section unless the fee is waived. 1265
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(b) A person on active duty in the armed forces of the United
States or in service with the peace corps, volunteers in service
to America, or the foreign service of the United States is exempt
from the license requirements of this section for the period of
the person's active duty or service and for six months thereafter,
provided the person was a licensee under this section at the time
the person commenced the person's active duty or service or had
obtained a license while on active duty or service. The spouse or 1280
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a dependent of any such person on active duty or in service also 1288
is exempt from the license requirements of this section for the 1289
period of the person's active duty or service and for six months 1290
thereafter, provided the spouse or dependent was a licensee under 1291
this section at the time the person commenced the active duty or 1292
service or had obtained a license while the person was on active 1293
duty or service, and provided further that the person's active 1294
duty or service resulted in the spouse or dependent relocating 1295
outside of this state during the period of the active duty or 1296
service. This division does not prevent such a person or the 1297
person's spouse or dependent from making an application for the 1298
renewal of a concealed handgun license during the period of the 1299
person's active duty or service. 1300

(2) A sheriff shall accept a completed renewal application, 1301
the license renewal fee, and the information specified in division 1302
(F)(1) of this section at the times and in the manners described 1303
in division (I) of this section. Upon receipt of a completed 1304
renewal application, of certification that the applicant has 1305
reread the specified pamphlet prepared by the Ohio peace officer 1306
training commission, and of a license renewal fee unless the fee 1307
is waived, a sheriff, in the manner specified in section 311.41 of 1308
the Revised Code shall conduct or cause to be conducted the 1309
criminal records check and the incompetency records check 1310
described in section 311.41 of the Revised Code. The sheriff shall 1311
renew the license if the sheriff determines that the applicant 1312
continues to satisfy the requirements described in division (D)(1) 1313
of this section, except that the applicant is not required to meet 1314
the requirements of division (D)(1)(1) of this section. A renewed 1315
license shall expire five years after the date of issuance. A 1316
renewed license is subject to division (E) of this section and 1317
sections 2923.126 and 2923.128 of the Revised Code. A sheriff 1318
shall comply with divisions (D)(2) ~~to (4)~~ and (3) of this section 1319
when the circumstances described in those divisions apply to a 1320

requested license renewal. If a sheriff denies the renewal of a concealed handgun license, the applicant may appeal the denial, or challenge the criminal record check results that were the basis of the denial if applicable, in the same manner as specified in division (D)(2)(b) of this section and in section 2923.127 of the Revised Code, regarding the denial of a license under this section. 1321
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(3) A renewal application submitted pursuant to division (F) of this section shall only require the licensee to list on the application form information and matters occurring since the date of the licensee's last application for a license pursuant to division (B) or (F) of this section. A sheriff conducting the criminal records check and the incompetency records check described in section 311.41 of the Revised Code shall conduct the check only from the date of the licensee's last application for a license pursuant to division (B) or (F) of this section through the date of the renewal application submitted pursuant to division (F) of this section. 1328
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(4) An applicant for a renewal concealed handgun license under this section shall submit to the sheriff of the county in which the applicant resides or to the sheriff of any county adjacent to the county in which the applicant resides, or in the case of an applicant who resides in another state, to the sheriff of the county that issued the applicant's previous concealed handgun license a nonrefundable license fee as described in either of the following: 1339
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(a) For an applicant who has been a resident of this state for five or more years, a fee of fifty dollars; 1347
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(b) For an applicant who has been a resident of this state for less than five years or who is not a resident of this state but who is employed in this state, a fee of fifty dollars plus the actual cost of having a background check performed by the federal 1349
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bureau of investigation.	1353
(G)(1) Each course, class, or program described in division (B)(3)(a), (b), (c), or (e) of this section shall provide to each person who takes the course, class, or program the web site address at which the pamphlet prepared by the Ohio peace officer training commission pursuant to section 109.731 of the Revised Code that reviews firearms, dispute resolution, and use of deadly force matters may be found. Each such course, class, or program described in one of those divisions shall include at least twelve <ins>four</ins> hours of training in the safe handling and use of a firearm that shall include <u>training on</u> all of the following <u>matters</u> :	1354 1355 1356 1357 1358 1359 1360 1361 1362 1363
(a) At least ten hours of training on the following matters:	1364
(i) The ability to name, explain, and demonstrate the rules for safe handling of a handgun and proper storage practices for handguns and ammunition;	1365 1366 1367
(ii) The ability to demonstrate and explain how to handle ammunition in a safe manner;	1368 1369
(iii) The ability to demonstrate the knowledge, skills, and attitude necessary to shoot a handgun in a safe manner;	1370 1371
(iv) Gun handling training.	1372
(b) At least two hours of training;	1373
(e) <u>Training</u> that consists of range time and live-fire training;	1374 1375
(f) <u>The locations where carrying a concealed handgun with a valid license are prohibited.</u>	1376 1377
(2) To satisfactorily complete the course, class, or program described in division (B)(3)(a), (b), (c), or (e) of this section, the applicant shall pass a competency examination that shall include both of the following:	1378 1379 1380 1381
(a) A written section on the ability to name and explain the	1382

rules for the safe handling of a handgun and proper storage	1383
practices for handguns and ammunition;	1384
(b) A physical demonstration of competence in the use of a handgun and in the rules for safe handling and storage of a handgun and a physical demonstration of the attitude necessary to shoot a handgun in a safe manner.	1385
(3) The competency certification described in division (B)(3)(a), (b), (c), or (e) of this section shall be dated and shall attest that the course, class, or program the applicant successfully completed met the requirements described in division (G)(1) of this section and that the applicant passed the competency examination described in division (G)(2) of this section.	1389
(H) Upon deciding to issue a concealed handgun license, deciding to issue a replacement concealed handgun license, or deciding to renew a concealed handgun license pursuant to this section, and before actually issuing or renewing the license, the sheriff shall make available through the law enforcement automated data system all information contained on the license. If the license subsequently is suspended under division (A)(1) or (2) of section 2923.128 of the Revised Code, revoked pursuant to division (B)(1) of section 2923.128 of the Revised Code, or lost or destroyed, the sheriff also shall make available through the law enforcement automated data system a notation of that fact. The superintendent of the state highway patrol shall ensure that the law enforcement automated data system is so configured as to permit the transmission through the system of the information specified in this division.	1396
(I) A sheriff shall accept a completed application form or renewal application, and the fee, items, materials, and information specified in divisions (B)(1) to (5) or division (F) of this section, whichever is applicable, and shall provide an	1411
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application form or renewal application to any person during at least fifteen hours a week and shall provide the web site address at which a printable version of the application form that can be downloaded and the pamphlet described in division (B) of section 109.731 of the Revised Code may be found at any time, upon request. The sheriff shall post notice of the hours during which the sheriff is available to accept or provide the information described in this division.

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

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

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

(b) A written document prepared by a governmental entity or public official describing the facts that give the person seeking to carry a concealed handgun reasonable cause to fear a criminal attack upon the person or a member of the person's family, such as would justify a prudent person in going armed. Written documents of this nature include, but are not limited to, any temporary protection order, civil protection order, protection order issued by another state, or other court order, any court report, and any report filed with or made by a law enforcement agency or prosecutor.

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

(B)(1) A person seeking a concealed handgun license on a temporary emergency basis shall submit to the sheriff of the county in which the person resides or in the case of a person who

<u>usually resides in another state, to the sheriff of the county in which the person is temporarily staying</u> all of the following:	1445
(a) Evidence of imminent danger to the person or a member of the person's family;	1446
(b) A sworn affidavit that contains all of the information required to be on the license and attesting that the person is legally living in the United States; is at least twenty-one years of age; is not a fugitive from justice; is not under indictment for or otherwise charged with an offense identified in division (D)(1)(d) of section 2923.125 of the Revised Code; has not been convicted of or pleaded guilty to an offense, and has not been adjudicated a delinquent child for committing an act, identified in division (D)(1)(e) of that section and to which division (B)(3) of this section does not apply; within three years of the date of the submission, has not been convicted of or pleaded guilty to an offense, and has not been adjudicated a delinquent child for committing an act, identified in division (D)(1)(f) of that section and to which division (B)(3) of this section does not apply; within five years of the date of the submission, has not been convicted of, pleaded guilty, or adjudicated a delinquent child for committing two or more violations identified in division (D)(1)(g) of that section; within ten years of the date of the submission, has not been convicted of, pleaded guilty, or adjudicated a delinquent child for committing a violation identified in division (D)(1)(h) of that section and to which division (B)(3) of this section does not apply; has not been adjudicated as a mental defective, has not been committed to any mental institution, is not under adjudication of mental incompetence, has not been found by a court to be a mentally ill person subject to hospitalization by court order, and is not an involuntary patient other than one who is a patient only for purposes of observation, as described in division (D)(1)(i) of	1447
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that section; is not currently subject to a civil protection order, a temporary protection order, or a protection order issued by a court of another state, as described in division (D)(1)(j) of that section; <u>and</u> is not currently subject to a suspension imposed under division (A)(2) of section 2923.128 of the Revised Code of a concealed handgun license that previously was issued to the person <u>or a similar suspension imposed by another state regarding a</u> <u>concealed handgun license issued by that state; is not an unlawful</u> <u>user of or addicted to any controlled substance as defined in 21</u> <u>U.S.C. 802; is an alien and has not been admitted to the United</u> <u>States under a nonimmigrant visa, as defined in the "Immigration</u> <u>and Nationality Act," 8 U.S.C. 1101(a)(26); has not been</u> <u>discharged from the armed forces of the United States under</u> <u>dishonorable conditions; has not renounced the applicant's United</u> <u>States citizenship; and has not been convicted of, pleaded guilty</u> <u>to, or been adjudicated a delinquent child for committing a</u> <u>violation identified in division (D)(1)(r) of section 2923.125 of</u> <u>the Revised Code;</u>	1477 1478 1479 1480 1481 1482 1483 1484 1485 1486 1487 1488 1489 1490 1491 1492 1493 1494
(c) A nonrefundable temporary emergency license fee as described in either of the following:	1495 1496
(i) For an applicant who has been a resident of this state for five or more years, a fee of fifteen dollars plus the actual cost of having a background check performed by the bureau of criminal identification and investigation pursuant to section 311.41 of the Revised Code;	1497 1498 1499 1500 1501
(ii) For an applicant who has been a resident of this state for less than five years <u>or who is not a resident of this state</u> , a fee of fifteen dollars plus the actual cost of having background checks performed by the federal bureau of investigation and the bureau of criminal identification and investigation pursuant to section 311.41 of the Revised Code.	1502 1503 1504 1505 1506 1507
(d) A set of fingerprints of the applicant provided as	1508

described in section 311.41 of the Revised Code through use of an 1509
electronic fingerprint reading device or, if the sheriff to whom 1510
the application is submitted does not possess and does not have 1511
ready access to the use of an electronic fingerprint reading 1512
device, on a standard impression sheet prescribed pursuant to 1513
division (C)(2) of section 109.572 of the Revised Code. If the 1514
fingerprints are provided on a standard impression sheet, the 1515
person also shall provide the person's social security number to 1516
the sheriff. 1517

(2) A sheriff shall accept the evidence of imminent danger, 1518
the sworn affidavit, the fee, and the set of fingerprints required 1519
under division (B)(1) of this section at the times and in the 1520
manners described in division (I) of this section. Upon receipt of 1521
the evidence of imminent danger, the sworn affidavit, the fee, and 1522
the set of fingerprints required under division (B)(1) of this 1523
section, the sheriff, in the manner specified in section 311.41 of 1524
the Revised Code, immediately shall conduct or cause to be 1525
conducted the criminal records check and the incompetency records 1526
check described in section 311.41 of the Revised Code. Immediately 1527
upon receipt of the results of the records checks, the sheriff 1528
shall review the information and shall determine whether the 1529
criteria set forth in divisions (D)(1)(a) to (j) and (m) to (r) of 1530
section 2923.125 of the Revised Code apply regarding the person. 1531
If the sheriff determines that all of criteria set forth in 1532
divisions (D)(1)(a) to (j) and (m) to (r) of section 2923.125 of 1533
the Revised Code apply regarding the person, the sheriff shall 1534
immediately make available through the law enforcement automated 1535
data system all information that will be contained on the 1536
temporary emergency license for the person if one is issued, and 1537
the superintendent of the state highway patrol shall ensure that 1538
the system is so configured as to permit the transmission through 1539
the system of that information. Upon making that information 1540
available through the law enforcement automated data system, the 1541

sheriff shall immediately issue to the person a concealed handgun license on a temporary emergency basis. 1542
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If the sheriff denies the issuance of a license on a temporary emergency basis to the person, the sheriff shall specify the grounds for the denial in a written notice to the person. The person may appeal the denial, or challenge criminal records check results that were the basis of the denial if applicable, in the same manners specified in division (D)(2) of section 2923.125 and in section 2923.127 of the Revised Code, regarding the denial of an application for a concealed handgun license under that section. 1544
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The license on a temporary emergency basis issued under this division shall be in the form, and shall include all of the information, described in divisions (A)(2) and (5) of section 109.731 of the Revised Code, and also shall include a unique combination of identifying letters and numbers in accordance with division (A)(4) of that section. 1552
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The license on a temporary emergency basis issued under this division is valid for ninety days and may not be renewed. A person who has been issued a license on a temporary emergency basis under this division shall not be issued another license on a temporary emergency basis unless at least four years has expired since the issuance of the prior license on a temporary emergency basis. 1558
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(3) If a person seeking a concealed handgun license on a temporary emergency basis has been convicted of or pleaded guilty to an offense identified in division (D)(1)(e), (f), or (h) of section 2923.125 of the Revised Code or has been adjudicated a delinquent child for committing an act or violation identified in any of those divisions, and if a court has ordered the sealing or expungement of the records of that conviction, guilty plea, or adjudication pursuant to sections 2151.355 to 2151.358 or sections 2953.31 to 2953.36 of the Revised Code or a court in another state has ordered the sealing or expungement of the records of that 1564
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conviction, guilty plea, or adjudication of a similar violation in another state pursuant to the laws of that state or a court has granted the applicant relief pursuant to section 2923.14 of the Revised Code or pursuant to a similar statute in another state from the disability imposed pursuant to section 2923.13 of the Revised Code or from a disability imposed by a court in another state relative to that conviction, guilty plea, or adjudication, the conviction, guilty plea, or adjudication shall not be relevant for purposes of the sworn affidavit described in division (B)(1)(b) of this section, and the person may complete, and swear to the truth of, the affidavit as if the conviction, guilty plea, or adjudication never had occurred.

(4) The sheriff shall waive the payment pursuant to division (B)(1)(c) of this section of the license fee in connection with an application that is submitted by an applicant who is a retired peace officer, a retired person described in division (B)(1)(b) of section 109.77 of the Revised Code, or a retired federal law enforcement officer who, prior to retirement, was authorized under federal law to carry a firearm in the course of duty, unless the retired peace officer, person, or federal law enforcement officer retired as the result of a mental disability.

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

(C) A person who holds a concealed handgun license on a temporary emergency basis has the same right to carry a concealed handgun as a person who was issued a concealed handgun license under section 2923.125 of the Revised Code, and any exceptions to the prohibitions contained in section 1547.69 and sections 2923.12 to 2923.16 of the Revised Code for a licensee under section 2923.125 of the Revised Code apply to a licensee under this

section. The person is subject to the same restrictions, and to
all other procedures, duties, and sanctions, that apply to a
person who carries a license issued under section 2923.125 of the
Revised Code, other than the license renewal procedures set forth
in that section. 1606
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(D) A sheriff who issues a concealed handgun license on a
temporary emergency basis under this section shall not require a
person seeking to carry a concealed handgun in accordance with
this section to submit a competency certificate as a prerequisite
for issuing the license and shall comply with division (H) of
section 2923.125 of the Revised Code in regards to the license. 1611
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The sheriff shall suspend or revoke the license in accordance with
section 2923.128 of the Revised Code. In addition to the
suspension or revocation procedures set forth in section 2923.128
of the Revised Code, the sheriff may revoke the license upon
receiving information, verifiable by public documents, that the
person is not eligible to possess a firearm under either the laws
of this state or of the United States or that the person committed
perjury in obtaining the license; if the sheriff revokes a license
under this additional authority, the sheriff shall notify the
person, by certified mail, return receipt requested, at the
person's last known residence address that the license has been
revoked and that the person is required to surrender the license
at the sheriff's office within ten days of the date on which the
notice was mailed. Division (H) of section 2923.125 of the Revised
Code applies regarding any suspension or revocation of a concealed
handgun license on a temporary emergency basis. 1620
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(E) A sheriff who issues a concealed handgun license on a
temporary emergency basis under this section shall retain, for the
entire period during which the license is in effect, the evidence
of imminent danger that the person submitted to the sheriff and
that was the basis for the license, or a copy of that evidence, as
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appropriate.	1638
(F) If a concealed handgun license on a temporary emergency basis issued under this section is lost or is destroyed, the licensee may obtain from the sheriff who issued that license a duplicate license upon the payment of a fee of fifteen dollars and the submission of an affidavit attesting to the loss or destruction of the license. The sheriff, in accordance with the procedures prescribed in section 109.731 of the Revised Code, shall place on the replacement license a combination of identifying numbers different from the combination on the license that is being replaced.	1639 1640 1641 1642 1643 1644 1645 1646 1647 1648
(G) The Ohio peace officer training commission shall prescribe, and shall make available to sheriffs, a standard form to be used under division (B) of this section by a person who applies for a concealed handgun license on a temporary emergency basis on the basis of imminent danger of a type described in division (A)(1)(a) of this section.	1649 1650 1651 1652 1653 1654
(H) A sheriff who receives any fees paid by a person under this section shall deposit all fees so paid into the sheriff's concealed handgun license issuance expense fund established under section 311.42 of the Revised Code.	1655 1656 1657 1658
(I) A sheriff shall accept evidence of imminent danger, a sworn affidavit, the fee, and the set of fingerprints specified in division (B)(1) of this section at any time during normal business hours. In no case shall a sheriff require an appointment, or designate a specific period of time, for the submission or acceptance of evidence of imminent danger, a sworn affidavit, the fee, and the set of fingerprints specified in division (B)(1) of this section, or for the provision to any person of a standard form to be used for a person to apply for a concealed handgun license on a temporary emergency basis.	1659 1660 1661 1662 1663 1664 1665 1666 1667 1668

Sec. 2923.13. (A) Unless relieved from disability as provided in section 2923.14 of the Revised Code, <u>or if the indictment or conviction occurred in another state, a process similar thereto in that other state,</u> no person shall knowingly acquire, have, carry, or use any firearm or dangerous ordnance, if any of the following apply:	1669 1670 1671 1672 1673 1674
(1) The person is a fugitive from justice.	1675
(2) The person is under indictment for or has been convicted of any felony offense of violence or has been adjudicated a delinquent child for the commission of an offense that, if committed by an adult, would have been a felony offense of violence.	1676 1677 1678 1679 1680
(3) The person is under indictment for or has been convicted of any felony offense involving the illegal possession, use, sale, administration, distribution, or trafficking in any drug of abuse or has been adjudicated a delinquent child for the commission of an offense that, if committed by an adult, would have been a felony offense involving the illegal possession, use, sale, administration, distribution, or trafficking in any drug of abuse.	1681 1682 1683 1684 1685 1686 1687
(4) The person is drug dependent, in danger of drug dependence, or a chronic alcoholic.	1688 1689
(5)(4) The person is under adjudication of mental incompetence, has been adjudicated as a mental defective, has been committed to a mental institution, has been found by a court to be a mentally ill person subject to hospitalization by court order, or is an involuntary patient other than one who is a patient only for purposes of observation. As used in this division, "mentally ill person subject to hospitalization by court order" and "patient" have the same meanings as in section 5122.01 of the Revised Code.	1690 1691 1692 1693 1694 1695 1696 1697 1698

<u>(5) It would be unlawful under 18 U.S.C. 922(q) or any other federal law for the person to possess a firearm or dangerous ordnance.</u>	1699 1700 1701
(B) Whoever violates this section is guilty of having weapons while under disability, a felony of the third degree.	1702 1703
Sec. 2923.14. (A) Any person who is prohibited from acquiring, having, carrying, or using firearms may apply to the court of common pleas in the county in which the person resides for relief from such prohibition.	1704 1705 1706 1707
(B) The application shall recite the following:	1708
(1) All indictments, convictions, or adjudications upon which the applicant's disability is based, the sentence imposed and served, and any release granted under a community control sanction, post-release control sanction, or parole, any partial or conditional pardon granted, or other disposition of each case, or, if the disability is based upon a factor other than an indictment, a conviction, or an adjudication, the factor upon which the disability is based and all details related to that factor;	1709 1710 1711 1712 1713 1714 1715 1716
(2) Facts showing the applicant to be a fit subject for relief under this section.	1717 1718
(C) A copy of the application shall be served on the county prosecutor. The county prosecutor shall cause the matter to be investigated and shall raise before the court any objections to granting relief that the investigation reveals.	1719 1720 1721 1722
(D) Upon hearing, the court may grant the applicant relief pursuant to this section, if all of the following apply:	1723 1724
(1) One of the following applies:	1725
(a) If the disability is based upon an indictment, a conviction, or an adjudication, the applicant has been fully discharged from imprisonment, community control, post-release	1726 1727 1728

control, and parole, or, if the applicant is under indictment, has been released on bail or recognizance.	1729 1730
(b) If the disability is based upon a factor other than an indictment, a conviction, or an adjudication, that factor no longer is applicable to the applicant.	1731 1732 1733
(2) The applicant has led a law-abiding life since discharge or release, and appears likely to continue to do so.	1734 1735
(3) The applicant is not otherwise prohibited by law from acquiring, having, or using firearms.	1736 1737
(E) Costs of the proceeding shall be charged as in other civil cases, and taxed to the applicant.	1738 1739
(F) Relief from disability granted pursuant to this section restores the applicant to all civil firearm rights to the full extent enjoyed by any citizen, and is subject to the following conditions:	1740 1741 1742 1743
(1) Applies only with respect to indictments, convictions, or adjudications, or to the other factor, recited in the application as the basis for the applicant's disability;	1744 1745 1746
(2) Applies only with respect to firearms lawfully acquired, possessed, carried, or used by the applicant;	1747 1748
(3) May be revoked by the court at any time for good cause shown and upon notice to the applicant;	1749 1750
(4) Is automatically void upon commission by the applicant of any offense set forth in division (A)(2) or (3) of section 2923.13 of the Revised Code, or upon the applicant's becoming one of the class of persons named in division (A)(1), (4) <ins>(3)</ins> , or (5) <ins>(4)</ins> of that section.	1751 1752 1753 1754 1755
(G) As used in this section:	1756
(1) "Community control sanction" has the same meaning as in section 2929.01 of the Revised Code.	1757 1758

(2) "Post-release control" and "post-release control sanction" have the same meanings as in section 2967.01 of the Revised Code.	1759 1760 1761
Section 2. That existing sections 9.68, 109.69, 109.731, 109.85, 109.86, 311.41, 311.42, 2901.09, 2917.11, 2917.31, 2923.11, 2923.125, 2923.1213, 2923.13, and 2923.14 and sections 2923.1210 and 2923.22 of the Revised Code are hereby repealed.	1762 1763 1764 1765