

As Introduced

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H. B. No. 518

Representative Vitale

**Cosponsors: Representatives Young, Zeltwanger, Terhar, Brinkman, Hood,
Brenner, Hagan, Becker**

A BILL

To amend section 2923.126 of the Revised Code to 1
permit an elected officeholder of this state or 2
a political subdivision of this state who holds 3
a valid concealed handgun license to carry a 4
concealed handgun in a government facility of 5
this state or a political subdivision of this 6
state. 7

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

Section 1. That section 2923.126 of the Revised Code be 8
amended to read as follows: 9

Sec. 2923.126. (A) A concealed handgun license that is 10
issued under section 2923.125 of the Revised Code shall expire 11
five years after the date of issuance. A licensee who has been 12
issued a license under that section shall be granted a grace 13
period of thirty days after the licensee's license expires 14
during which the licensee's license remains valid. Except as 15
provided in divisions (B) and (C) of this section, a licensee 16
who has been issued a concealed handgun license under section 17
2923.125 or 2923.1213 of the Revised Code may carry a concealed 18

handgun anywhere in this state if the licensee also carries a 19
valid license and valid identification when the licensee is in 20
actual possession of a concealed handgun. The licensee shall 21
give notice of any change in the licensee's residence address to 22
the sheriff who issued the license within forty-five days after 23
that change. 24

If a licensee is the driver or an occupant of a motor 25
vehicle that is stopped as the result of a traffic stop or a 26
stop for another law enforcement purpose and if the licensee is 27
transporting or has a loaded handgun in the motor vehicle at 28
that time, the licensee shall promptly inform any law 29
enforcement officer who approaches the vehicle while stopped 30
that the licensee has been issued a concealed handgun license 31
and that the licensee currently possesses or has a loaded 32
handgun; the licensee shall not knowingly disregard or fail to 33
comply with lawful orders of a law enforcement officer given 34
while the motor vehicle is stopped, knowingly fail to remain in 35
the motor vehicle while stopped, or knowingly fail to keep the 36
licensee's hands in plain sight after any law enforcement 37
officer begins approaching the licensee while stopped and before 38
the officer leaves, unless directed otherwise by a law 39
enforcement officer; and the licensee shall not knowingly have 40
contact with the loaded handgun by touching it with the 41
licensee's hands or fingers, in any manner in violation of 42
division (E) of section 2923.16 of the Revised Code, after any 43
law enforcement officer begins approaching the licensee while 44
stopped and before the officer leaves. Additionally, if a 45
licensee is the driver or an occupant of a commercial motor 46
vehicle that is stopped by an employee of the motor carrier 47
enforcement unit for the purposes defined in section ~~5503.04~~ 48
5503.34 of the Revised Code and if the licensee is transporting 49

or has a loaded handgun in the commercial motor vehicle at that 50
time, the licensee shall promptly inform the employee of the 51
unit who approaches the vehicle while stopped that the licensee 52
has been issued a concealed handgun license and that the 53
licensee currently possesses or has a loaded handgun. 54

If a licensee is stopped for a law enforcement purpose and 55
if the licensee is carrying a concealed handgun at the time the 56
officer approaches, the licensee shall promptly inform any law 57
enforcement officer who approaches the licensee while stopped 58
that the licensee has been issued a concealed handgun license 59
and that the licensee currently is carrying a concealed handgun; 60
the licensee shall not knowingly disregard or fail to comply 61
with lawful orders of a law enforcement officer given while the 62
licensee is stopped or knowingly fail to keep the licensee's 63
hands in plain sight after any law enforcement officer begins 64
approaching the licensee while stopped and before the officer 65
leaves, unless directed otherwise by a law enforcement officer; 66
and the licensee shall not knowingly remove, attempt to remove, 67
grasp, or hold the loaded handgun or knowingly have contact with 68
the loaded handgun by touching it with the licensee's hands or 69
fingers, in any manner in violation of division (B) of section 70
2923.12 of the Revised Code, after any law enforcement officer 71
begins approaching the licensee while stopped and before the 72
officer leaves. 73

(B) A valid concealed handgun license does not authorize 74
the licensee to carry a concealed handgun in any manner 75
prohibited under division (B) of section 2923.12 of the Revised 76
Code or in any manner prohibited under section 2923.16 of the 77
Revised Code. A valid license does not authorize the licensee to 78
carry a concealed handgun into any of the following places: 79

- (1) A police station, sheriff's office, or state highway patrol station, premises controlled by the bureau of criminal identification and investigation, a state correctional institution, jail, workhouse, or other detention facility, an airport passenger terminal, or an institution that is maintained, operated, managed, and governed pursuant to division (A) of section 5119.14 of the Revised Code or division (A)(1) of section 5123.03 of the Revised Code; 80-87
- (2) A school safety zone if the licensee's carrying the concealed handgun is in violation of section 2923.122 of the Revised Code; 88-90
- (3) A courthouse or another building or structure in which a courtroom is located, in violation of section 2923.123 of the Revised Code; 91-93
- (4) Any premises or open air arena for which a D permit has been issued under Chapter 4303. of the Revised Code if the licensee's carrying the concealed handgun is in violation of section 2923.121 of the Revised Code; 94-97
- (5) Any premises owned or leased by any public or private college, university, or other institution of higher education, unless the handgun is in a locked motor vehicle or the licensee is in the immediate process of placing the handgun in a locked motor vehicle; 98-102
- (6) Any church, synagogue, mosque, or other place of worship, unless the church, synagogue, mosque, or other place of worship posts or permits otherwise; 103-105
- (7) A child day-care center, a type A family day-care home, or a type B family day-care home, except that this division does not prohibit a licensee who resides in a type A 106-108

family day-care home or a type B family day-care home from 109
carrying a concealed handgun at any time in any part of the home 110
that is not dedicated or used for day-care purposes, or from 111
carrying a concealed handgun in a part of the home that is 112
dedicated or used for day-care purposes at any time during which 113
no children, other than children of that licensee, are in the 114
home; 115

(8) An aircraft that is in, or intended for operation in, 116
foreign air transportation, interstate air transportation, 117
intrastate air transportation, or the transportation of mail by 118
aircraft; 119

(9) Any building that is a government facility of this 120
state or a political subdivision of this state and that is not a 121
building that is used primarily as a shelter, restroom, parking 122
facility for motor vehicles, or rest facility and is not a 123
courthouse or other building or structure in which a courtroom 124
is located that is subject to division (B)(3) of this section, 125
except that this division does not prohibit a licensee who is an 126
elected officeholder of this state or a political subdivision of 127
this state from carrying a concealed handgun in a government 128
facility of this state or a political subdivision of this state; 129

(10) A place in which federal law prohibits the carrying 130
of handguns. 131

(C)(1) Nothing in this section shall negate or restrict a 132
rule, policy, or practice of a private employer that is not a 133
private college, university, or other institution of higher 134
education concerning or prohibiting the presence of firearms on 135
the private employer's premises or property, including motor 136
vehicles owned by the private employer. Nothing in this section 137
shall require a private employer of that nature to adopt a rule, 138

policy, or practice concerning or prohibiting the presence of 139
firearms on the private employer's premises or property, 140
including motor vehicles owned by the private employer. 141

(2) (a) A private employer shall be immune from liability 142
in a civil action for any injury, death, or loss to person or 143
property that allegedly was caused by or related to a licensee 144
bringing a handgun onto the premises or property of the private 145
employer, including motor vehicles owned by the private 146
employer, unless the private employer acted with malicious 147
purpose. A private employer is immune from liability in a civil 148
action for any injury, death, or loss to person or property that 149
allegedly was caused by or related to the private employer's 150
decision to permit a licensee to bring, or prohibit a licensee 151
from bringing, a handgun onto the premises or property of the 152
private employer. As used in this division, "private employer" 153
includes a private college, university, or other institution of 154
higher education. 155

(b) A political subdivision shall be immune from liability 156
in a civil action, to the extent and in the manner provided in 157
Chapter 2744. of the Revised Code, for any injury, death, or 158
loss to person or property that allegedly was caused by or 159
related to a licensee bringing a handgun onto any premises or 160
property owned, leased, or otherwise under the control of the 161
political subdivision. As used in this division, "political 162
subdivision" has the same meaning as in section 2744.01 of the 163
Revised Code. 164

(3) (a) Except as provided in division (C) (3) (b) of this 165
section, the owner or person in control of private land or 166
premises, and a private person or entity leasing land or 167
premises owned by the state, the United States, or a political 168

subdivision of the state or the United States, may post a sign 169
in a conspicuous location on that land or on those premises 170
prohibiting persons from carrying firearms or concealed firearms 171
on or onto that land or those premises. Except as otherwise 172
provided in this division, a person who knowingly violates a 173
posted prohibition of that nature is guilty of criminal trespass 174
in violation of division (A) (4) of section 2911.21 of the 175
Revised Code and is guilty of a misdemeanor of the fourth 176
degree. If a person knowingly violates a posted prohibition of 177
that nature and the posted land or premises primarily was a 178
parking lot or other parking facility, the person is not guilty 179
of criminal trespass under section 2911.21 of the Revised Code 180
or under any other criminal law of this state or criminal law, 181
ordinance, or resolution of a political subdivision of this 182
state, and instead is subject only to a civil cause of action 183
for trespass based on the violation. 184

(b) A landlord may not prohibit or restrict a tenant who 185
is a licensee and who on or after September 9, 2008, enters into 186
a rental agreement with the landlord for the use of residential 187
premises, and the tenant's guest while the tenant is present, 188
from lawfully carrying or possessing a handgun on those 189
residential premises. 190

(c) As used in division (C) (3) of this section: 191

(i) "Residential premises" has the same meaning as in 192
section 5321.01 of the Revised Code, except "residential 193
premises" does not include a dwelling unit that is owned or 194
operated by a college or university. 195

(ii) "Landlord," "tenant," and "rental agreement" have the 196
same meanings as in section 5321.01 of the Revised Code. 197

(D) A person who holds a valid concealed handgun license 198
issued by another state that is recognized by the attorney 199
general pursuant to a reciprocity agreement entered into 200
pursuant to section 109.69 of the Revised Code or a person who 201
holds a valid concealed handgun license under the circumstances 202
described in division (B) of section 109.69 of the Revised Code 203
has the same right to carry a concealed handgun in this state as 204
a person who was issued a concealed handgun license under 205
section 2923.125 of the Revised Code and is subject to the same 206
restrictions that apply to a person who carries a license issued 207
under that section. 208

(E) A peace officer has the same right to carry a 209
concealed handgun in this state as a person who was issued a 210
concealed handgun license under section 2923.125 of the Revised 211
Code. For purposes of reciprocity with other states, a peace 212
officer shall be considered to be a licensee in this state. 213

(F) (1) A qualified retired peace officer who possesses a 214
retired peace officer identification card issued pursuant to 215
division (F) (2) of this section and a valid firearms 216
requalification certification issued pursuant to division (F) (3) 217
of this section has the same right to carry a concealed handgun 218
in this state as a person who was issued a concealed handgun 219
license under section 2923.125 of the Revised Code and is 220
subject to the same restrictions that apply to a person who 221
carries a license issued under that section. For purposes of 222
reciprocity with other states, a qualified retired peace officer 223
who possesses a retired peace officer identification card issued 224
pursuant to division (F) (2) of this section and a valid firearms 225
requalification certification issued pursuant to division (F) (3) 226
of this section shall be considered to be a licensee in this 227
state. 228

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

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

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

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

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

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

the person by name, contain a photograph of the person, identify 258
the public agency of this state or of the political subdivision 259
of this state from which the person retired as a peace officer 260
and that is issuing the identification card, and specify that 261
the person retired in good standing from service as a peace 262
officer with the issuing public agency and satisfies the 263
criteria set forth in divisions (F) (2) (a) (i) to (iv) of this 264
section. In addition to the required content specified in this 265
division, a retired peace officer identification card issued to 266
a person under division (F) (2) (a) of this section may include 267
the firearms requalification certification described in division 268
(F) (3) of this section, and if the identification card includes 269
that certification, the identification card shall serve as the 270
firearms requalification certification for the retired peace 271
officer. If the issuing public agency issues credentials to 272
active law enforcement officers who serve the agency, the agency 273
may comply with division (F) (2) (a) of this section by issuing 274
the same credentials to persons who retired from service as a 275
peace officer with the agency and who satisfy the criteria set 276
forth in divisions (F) (2) (a) (i) to (iv) of this section, 277
provided that the credentials so issued to retired peace 278
officers are stamped with the word "RETIRED." 279

(c) A public agency of this state or of a political 280
subdivision of this state may charge persons who retired from 281
service as a peace officer with the agency a reasonable fee for 282
issuing to the person a retired peace officer identification 283
card pursuant to division (F) (2) (a) of this section. 284

(3) If a person retired from service as a peace officer 285
with a public agency of this state or of a political subdivision 286
of this state and the person satisfies the criteria set forth in 287
divisions (F) (2) (a) (i) to (iv) of this section, the public 288

agency may provide the retired peace officer with the 289
opportunity to attend a firearms requalification program that is 290
approved for purposes of firearms requalification required under 291
section 109.801 of the Revised Code. The retired peace officer 292
may be required to pay the cost of the course. 293

If a retired peace officer who satisfies the criteria set 294
forth in divisions (F) (2) (a) (i) to (iv) of this section attends 295
a firearms requalification program that is approved for purposes 296
of firearms requalification required under section 109.801 of 297
the Revised Code, the retired peace officer's successful 298
completion of the firearms requalification program requalifies 299
the retired peace officer for purposes of division (F) of this 300
section for five years from the date on which the program was 301
successfully completed, and the requalification is valid during 302
that five-year period. If a retired peace officer who satisfies 303
the criteria set forth in divisions (F) (2) (a) (i) to (iv) of this 304
section satisfactorily completes such a firearms requalification 305
program, the retired peace officer shall be issued a firearms 306
requalification certification that identifies the retired peace 307
officer by name, identifies the entity that taught the program, 308
specifies that the retired peace officer successfully completed 309
the program, specifies the date on which the course was 310
successfully completed, and specifies that the requalification 311
is valid for five years from that date of successful completion. 312
The firearms requalification certification for a retired peace 313
officer may be included in the retired peace officer 314
identification card issued to the retired peace officer under 315
division (F) (2) of this section. 316

A retired peace officer who attends a firearms 317
requalification program that is approved for purposes of 318
firearms requalification required under section 109.801 of the 319

Revised Code may be required to pay the cost of the program.	320
(G) As used in this section:	321
(1) "Qualified retired peace officer" means a person who satisfies all of the following:	322 323
(a) The person satisfies the criteria set forth in divisions (F) (2) (a) (i) to (v) of this section.	324 325
(b) The person is not under the influence of alcohol or another intoxicating or hallucinatory drug or substance.	326 327
(c) The person is not prohibited by federal law from receiving firearms.	328 329
(2) "Retired peace officer identification card" means an identification card that is issued pursuant to division (F) (2) of this section to a person who is a retired peace officer.	330 331 332
(3) "Government facility of this state or a political subdivision of this state" means any of the following:	333 334
(a) A building or part of a building that is owned or leased by the government of this state or a political subdivision of this state and where employees of the government of this state or the political subdivision regularly are present for the purpose of performing their official duties as employees of the state or political subdivision;	335 336 337 338 339 340
(b) The office of a deputy registrar serving pursuant to Chapter 4503. of the Revised Code that is used to perform deputy registrar functions.	341 342 343
Section 2. That existing section 2923.126 of the Revised Code is hereby repealed.	344 345