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H.B. 425
133rd General Assembly

Bill Analysis

Version: As Introduced

Primary Sponsor: Rep. Wiggam

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SUMMARY

- Modifies the duty to notify by providing that if a concealed handgun licensee or active duty military member is stopped by a law enforcement officer or motor carrier enforcement unit employee, before or at the time the officer or employee requests the person's driver's license or state identification card, the person must do all of the following:
 - Display the person's concealed handgun license or documents demonstrating the person to be a qualified military member or orally inform the officer or employee that the person has been issued a concealed handgun license or is authorized to carry a concealed handgun as an active duty military member;
 - Display the person's driver's license or state identification card;
 - Disclose that the person is carrying a handgun.
- Reduces the penalty for a violation of the duty to notify to an unclassified misdemeanor and sets a maximum fine of \$25.

DETAILED ANALYSIS

Duty to notify

Stop of a concealed handgun licensee

Under the bill, if a concealed handgun licensee is stopped for a law enforcement purpose and is carrying a concealed handgun, before or at the time a law enforcement officer

requests the person's driver's license or state identification card, the person must do all of the following:¹

- Display the person's concealed handgun license or orally inform the officer that the person has been issued a concealed handgun license;
- Display the person's driver's license or state identification card;
- Disclose that the person is carrying a concealed handgun.

Under current law, the person must promptly inform any law enforcement officer who approaches the person after the person has been stopped that the person has been issued a concealed handgun license and that the person is carrying a concealed handgun.²

Stop of a concealed handgun licensee or active duty military member who is the driver or occupant of a vehicle

Under the bill, if a concealed handgun licensee or an active duty military member is the driver or occupant of a motor vehicle that is stopped as a result of a traffic stop or a stop for another law enforcement purpose or is the driver or occupant of a commercial motor vehicle that is stopped by an employee of the motor carrier enforcement unit for a specified purpose and is transporting or has a loaded handgun in the motor vehicle or commercial motor vehicle, before or at the time a law enforcement officer or motor carrier enforcement unit employee requests the person's driver's license or state identification card, the person must do all of the following:³

- Display the person's concealed handgun license or documents demonstrating the person to be a qualified military member or orally inform the officer or employee that the person has been issued a concealed handgun license or is authorized to carry a concealed handgun as an active duty military member;
- Display the person's driver's license or state identification card;
- Disclose that the person possesses or has a loaded handgun in the motor vehicle or commercial motor vehicle.

Under current law, the person must promptly inform any law enforcement officer or motor carrier enforcement unit employee who approaches the vehicle while stopped that the person has been issued a concealed handgun license or is authorized to carry a concealed handgun as an active duty military member and that the person possesses or has a loaded handgun in the motor vehicle or commercial motor vehicle.⁴

¹ R.C. 2923.12(B)(1) and 2923.126(A)(4).

² R.C. 2923.12(B)(1) and 2923.126(A).

³ R.C. 2923.126(A)(2) and (3) and 2923.16(E)(1) and (2).

⁴ R.C. 2923.126(A) and 2923.16(E)(1) and (2).

Penalty for failure to comply

The bill reduces the penalty for a violation of the duty to notify to an unclassified misdemeanor and sets a maximum fine of \$25. Under current law, the penalty for a violation is generally a first degree misdemeanor. Additionally, the licensee's concealed handgun license is suspended unless the law enforcement officer or motor carrier enforcement unit employee had actual knowledge that the person was a licensee, in which case the penalty for a violation is a minor misdemeanor, and the license is not suspended.⁵

HISTORY

Action	Date
Introduced	11-26-19

H0425-I-133/ec

⁵ R.C. 2923.12(F)(3), 2923.128(A), and 2923.16(I).