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# OHIO LEGISLATIVE SERVICE COMMISSION

Office of Research  
and Drafting

Legislative Budget  
Office

H.B. 425\*  
133<sup>rd</sup> General Assembly

## Bill Analysis

[Click here for H.B. 425's Fiscal Note](#)

**Version:** As Reported by House Federalism

**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 concealed handgun license or asks if the person is carrying a concealed handgun, the person must do both 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;
  - Disclose that the person is carrying a handgun.
- Eliminates the penalty for a violation of the duty to notify.

### 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

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\* The analysis was prepared before the report of the House Federalism Committee appeared in the House Journal. Note that the list of co-sponsors and the legislative history may be incomplete.

requests the person's concealed handgun license or asks if the person is carrying a concealed handgun, the person must do both of the following:<sup>1</sup>

- Display the person's concealed handgun license or orally inform the officer that the person has been issued a concealed handgun license;
- 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.<sup>2</sup>

### **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 concealed handgun license or asks if the person is carrying a concealed handgun, the person must do both of the following:<sup>3</sup>

- 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;
- 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.<sup>4</sup>

### **Penalty for failure to comply**

The bill eliminates the penalty for a violation of the duty to notify. Under current law, the penalty for a violation is generally a first degree misdemeanor. Additionally, the licensee's

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<sup>1</sup> R.C. 2923.12(B)(1) and 2923.126(A)(4).

<sup>2</sup> R.C. 2923.12(B)(1) and 2923.126(A).

<sup>3</sup> R.C. 2923.126(A)(2) and (3) and 2923.16(E)(1) and (2).

<sup>4</sup> R.C. 2923.126(A) and 2923.16(E)(1) and (2).

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.<sup>5</sup>

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## HISTORY

Action	Date
Introduced	11-26-19
Reported, H. Federalism	---

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<sup>5</sup> R.C. 2923.12(F), 2923.128(A), and 2923.16(I).