



www.lsc.ohio.gov

OHIO LEGISLATIVE SERVICE COMMISSION

Office of Research
and Drafting

Legislative Budget
Office

H.B. 505*
134th General Assembly

Bill Analysis

[Click here for H.B. 505's Fiscal Note](#)

Version: As Introduced

Primary Sponsors: Reps. Grendell and Gross

Sarah A. Maki, Attorney

SUMMARY

Concealed weapons licenses

- Modifies the name “concealed handgun license” to “concealed weapons license.”
- Allows a person who has a concealed weapons license to carry concealed any deadly weapon, other than a restricted deadly weapon.
- Defines a “restricted deadly weapon” as a deadly weapon that is a restricted firearm or that Ohio or federal law prohibits the person from possessing, having, or carrying.
- Defines a “restricted firearm” as a firearm that is dangerous ordnance or that Ohio or federal law prohibits the person from possessing, having, or carrying.
- Specifies that a person who is at least age 21 and not prohibited under the law of Ohio or the U.S. from possessing a deadly weapon has the same right to carry a concealed deadly weapon, other than a restricted deadly weapon, in Ohio as a person who has been issued a concealed weapons license.
- Expands provisions that exempt concealed weapons licensees and armed forces active duty members from certain criminal deadly weapon-related prohibitions, and that provide certain other protections for such persons, so that they also apply to persons who are at least age 21 and not prohibited under the law of Ohio or the U.S. from possessing a deadly weapon.

* The bill analysis does not address the provisions in S.B. 215 from the 134th General Assembly. H.B. 505 was introduced before S.B. 215 was enacted. Amendments to H.B. 505 would be needed to conform the bill to S.B. 215.

- Provides that the availability of a concealed weapons license may not be construed to prohibit or restrict a person from possessing, carrying, or transporting a deadly weapon without a license if the possession, carrying, or transport is otherwise permitted by law.
- Eliminates the requirement that a concealed handgun licensee must carry a concealed handgun license for the licensee exemptions and protections to apply, and instead requires that the person has been issued a concealed weapons license that is valid at the time of the conduct in question.
- Eliminates the requirement that an armed forces active duty member must carry a valid military identification and documentation of successful completion of firearms training for the armed forces exemptions and protections to apply, and instead requires that the person has been issued such valid military identification and documentation.

Penalty modifications

- Eliminates the special penalties for carrying concealed weapons associated with a concealed handgun licensee or armed forces active duty member being arrested for the offense who produces a concealed handgun license or a valid military identification card and documentation of successful completion of firearms training.
- Modifies the penalty for carrying concealed weapons so that it is a minor misdemeanor if the offender is a concealed weapons licensee, an armed forces active duty member, or a person who is at least age 21 and not prohibited under the law of Ohio or the U.S. from possessing a deadly weapon.

Duty to notify

- Eliminates the requirement that a concealed handgun licensee or armed forces active duty member who is stopped and is carrying a concealed handgun must promptly inform a law enforcement officer that the person has been issued such a license or is an authorized active duty member and that the person then possesses a loaded handgun.
- Replaces the provision described in the preceding dot point with a requirement that a concealed weapons licensee, armed forces active duty member, or person who is at least age 21 and not prohibited under the law of Ohio or the U.S. from possessing a deadly weapon, before or at the time the law enforcement officer asks if the person is carrying a concealed deadly weapon, must disclose that the person is carrying a concealed deadly weapon.
- Eliminates the penalty for a violation of the duty to notify, so that there is no penalty for a violation of the new duty to notify.
- Expands provisions that impose duties, other than the duty to notify described above, on a concealed weapons licensee or armed forces active duty member who is stopped and is carrying a concealed deadly weapon (e.g., keep hands in plain sight, not have contact with the deadly weapon, etc.) so that the duties also apply to a person who is at least age 21 and not prohibited under the law of Ohio or the U.S. from possessing a deadly weapon.

Applications for concealed weapons licenses

- Allows an applicant for a concealed weapons license, a temporary emergency concealed weapons license, or a renewal of a concealed weapons license who is an Ohio resident to apply to the sheriff of any county, instead of only to the sheriff of the applicant's county of residence or an adjacent county.
- Allows a sheriff to provide up to eight hours a week, in addition to the currently required 15 hours, during which the sheriff accepts concealed weapons applications or renewal applications only from county residents and provides information on concealed weapons applications only to county residents.
- For each hour provided in a week as described in the preceding dot point, the sheriff must provide an additional hour outside of the currently required 15 hours during which the sheriff accepts concealed weapons license applications or renewal applications from any person and provides information on concealed weapons applications to any person.

Concealed Weapons License Issuance Expense Fund

- Expands the authorized uses a sheriff may make of the fees deposited into the sheriff's Concealed Weapons License Issuance Expense Fund to also allow use for either of the following:
 - Any costs incurred for nonlethal weapons and supplies to be used by the sheriff or the sheriff's employees, including costs incurred for training on the use of nonlethal weapons;
 - Any costs incurred for a sheriff's employee to attend a basic peace officer training academy or a basic correction officer academy approved by the Ohio peace officer training commission.

State preemption of firearms regulation

- Expands state preemption of firearms regulation to include deadly weapons and firearm accessories and attachments, instead of only firearms, their components, and their ammunition.

TABLE OF CONTENTS

Concealed weapons licenses	4
Weapons that may be carried concealed	5
Carrying of concealed deadly weapon without a license	7
Availability of concealed weapons license is not restriction	7
Elimination of requirement that license or documentation must be carried	7
Modification of "carrying concealed weapons" penalties regarding possession of weapon	8
Prohibition regarding possession of weapon.....	8

Possession prohibition penalties under the bill	8
Current possession prohibition penalties for concealed handgun licensee	9
Current possession prohibition penalties for armed forces active duty members	10
Current possession prohibition penalties for institution of higher education premises.....	10
Modification of requirement that a licensee or armed service member has a duty to notify	11
When stopped for a law enforcement purpose.....	11
When stopped in a motor vehicle	11
Penalty for failure to comply with duty to notify.....	12
Duty to notify and other law enforcement duties	12
Expansion of other duties applicable to a licensee or armed services member	12
Modification of license application and renewal procedures	14
Expansion of authorized uses of sheriff’s Concealed Weapons License Issuance	
Expense Fund.....	15
State preemption	15
Background	16
Criminal provisions.....	16
Places where a concealed handgun may be carried	17
Ban on business owner prohibition against licensee	18
Definition of “unloaded”	18

DETAILED ANALYSIS

Concealed weapons licenses

Current law allows a person who has a concealed handgun license to carry a concealed handgun. The bill changes the name of the license from a “concealed handgun license” to a “concealed weapons license” and allows a person who has a concealed weapons license to carry a concealed deadly weapon, other than a restricted deadly weapon (see “**Weapons that may be carried concealed,**” below).¹

Under the bill, a “concealed weapons license” or a “license to carry a concealed weapon” is any of the following:²

¹ R.C. 109.69, 109.731, 311.41, 311.42, 311.43, 1547.69, 2921.13, 2923.11, 2923.12, 2923.121, 2923.122, 2923.123, 2923.124, 2923.125, 2923.126, 2923.127, 2923.128, 2923.129, 2923.1210, 2923.1211, 2923.1213, 2923.16, and 2953.37.

² R.C. 2923.11(N)(1).

- A license or temporary emergency license issued on or after the bill’s effective date that authorizes the licensee to carry a concealed deadly weapon, other than a restricted deadly weapon;
- A license or temporary emergency license to carry a concealed handgun issued prior to the bill’s effective date that authorized the licensee to carry a concealed handgun and that, on or after the bill’s effective date, authorizes the licensee to carry a concealed deadly weapon, other than a restricted deadly weapon;
- A license issued by another state with which the Attorney General has entered into a reciprocity agreement that authorizes the licensee to carry a concealed handgun, firearm, or deadly weapon.

Under the bill, a “valid concealed weapons license” or a “valid license to carry a concealed weapon” is a “concealed weapons license” or a “license to carry a concealed weapon” that is currently valid, that is not under suspension, and that has not been revoked.³

The provisions of the bill apply to a concealed weapons license, a temporary emergency concealed weapons license, or a license issued by another state, regardless of whether the license was issued, renewed, suspended, revoked, denied, or expired before, on, or after the bill’s effective date.⁴

Weapons that may be carried concealed

Under the bill, a person who has a concealed weapons license or a person who qualifies to carry a concealed deadly weapon without a license (see “**Carrying of concealed deadly weapon without a license**,” below) may carry any concealed deadly weapon that is not a restricted deadly weapon.⁵ The bill defines a “restricted deadly weapon” as a deadly weapon that is a restricted firearm or that Ohio or federal law prohibits the person from possessing, having, or carrying. The bill defines a “restricted firearm” as a firearm that is dangerous ordnance or that Ohio or federal law prohibits the person from possessing, having, or carrying.⁶

Continuing law defines the following terms:

“**Dangerous ordnance**” means any of the following:⁷

- An automatic or sawed-off firearm, zip-gun, or ballistic knife;

³ R.C. 2923.11(O).

⁴ R.C. 109.69, 109.731, 311.41, 311.42, 2921.13, 2923.11, 2923.124, 2923.125, 2923.126, and 2923.1213.

⁵ R.C. 2923.126(A).

⁶ R.C. 2923.11(S) and (T).

⁷ R.C. 2923.11(K).

- Any explosive device or incendiary device;
- Any of a list of specified explosives;
- Specified military-type weapons such as rocket launchers, mortars, grenades, or torpedoes, and ammunition for those weapons;
- A firearm muffler or suppressor;
- Any combination of parts intended by the owner for use in converting a firearm or other device into dangerous ordnance.

“Dangerous ordnance” does not include any of the following:⁸

- A firearm that employs an obsolete ignition system or that may be used only with black powder;
- A pistol, rifle, or shotgun, other than an automatic or sawed-off firearm, that is designed or suitable for sporting purposes, and its ammunition;
- Any pre-1887 style artillery piece that meets specified criteria and items used to fire it in certain circumstances;
- Smokeless and black powder, primers, and percussion caps used as a propellant or ignition device in small-arms or small-arms ammunition;
- Inoperable or inert dangerous ordnance that satisfies specified criteria;
- Any device expressly excepted from the definition of a destructive device pursuant to the federal Gun Control Act of 1968;
- Any firearm with an overall length of at least 26 inches that is approved for sale by the Federal Bureau of Alcohol, Tobacco, Firearms, and Explosives under the Gun Control Act of 1968, but that is found by the Bureau not to be regulated under the National Firearms Act.
- "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.⁹
- "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. 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

⁸ R.C. 2923.11(L).

⁹ R.C. 2923.11(A).

fact may rely upon circumstantial evidence, including, but not limited to, the representations and actions of the individual exercising control over the firearm.¹⁰

The bill modifies existing provisions to refer to the expanded types of weapons that may be carried concealed.¹¹

Carrying of concealed deadly weapon without a license

The bill specifies that a person who is at least age 21 and not prohibited under the law of Ohio or the U.S. from possessing a deadly weapon has the same right to carry a concealed deadly weapon, other than a restricted deadly weapon, in Ohio as a person who has been issued a concealed weapons license and is subject to the same restrictions.¹²

Related to this general provision, it expands the coverage of existing provisions, described below in “**Background**,” that exempt persons who have been issued a concealed handgun license or temporary emergency handgun license or who are active duty members of the U.S. armed forces from certain criminal deadly weapon-related prohibitions or that otherwise provide certain protections for such persons (i.e., provisions that specify places where such persons may carry a concealed handgun and that provide a ban on certain business owner prohibitions against a licensee), so that the exemptions and protections also apply to persons who are at least age 21 and not prohibited under the law of Ohio or the U.S. from possessing a deadly weapon. As a result, persons in the specified category will not need a concealed weapons license or be armed forces active duty members for the exemptions and protections to apply.

Availability of concealed weapons license is not restriction

The bill provides that the availability of a concealed weapons license may not be construed to prohibit or restrict a person from possessing, carrying, or transporting a deadly weapon in a vehicle or on or about the person’s person, whether concealed or unconcealed, loaded or unloaded, without a valid concealed weapons license if the possession, carrying, or transport in the manner in question is otherwise permitted by law.¹³

Elimination of requirement that license or documentation must be carried

All of the existing exemptions and protections described below in “**Background**” specify that the provisions apply with respect to a concealed handgun licensee only when the licensee is carrying the licensee’s valid license. The bill eliminates the requirement that a concealed weapons licensee must carry a license in order for the provisions to apply. Instead,

¹⁰ R.C. 2923.11(B).

¹¹ R.C. 109.731, 1547.69, 2921.13, 2923.11, 2923.12, 2923.121, 2923.122, 2923.123, 2923.125, 2923.126, 2923.128, 2923.129, 2923.1210, 2923.1212, 2923.1213, 2923.16, and 4749.10.

¹² R.C. 2923.126(E)(4).

¹³ R.C. 2923.125(J) and 2923.1213(J).

the bill requires that the person has been issued a concealed weapons license that is valid at the time of the carrying or possession.¹⁴

All of those existing exemptions and protections that apply with respect to an armed forces active duty member specify that they apply only when the member is carrying a valid military identification and documentation of successful completion of firearms training that meets or exceeds the training requirements for a concealed handgun licensee. The bill eliminates the requirement that an armed forces active duty member must carry a valid military identification and documentation of successful completion of firearms training for the provisions to apply. Instead, the bill requires that the armed forces active duty member has been issued a valid military identification and documentation of successful completion of firearms training that meets or exceeds the training requirements for a concealed weapons license that are valid at the time of the carrying or possession for the provisions to apply.¹⁵ The bill's provision that applies the armed forces active duty member exception to the existing prohibition regarding possession of a firearm in a room in which a person is consuming beer or intoxicating liquor in a D permit premises or open air arena to the holder of the D permit, described below in "**Background**," includes a requirement similar to the bill's modified requirement described in this paragraph.¹⁶

Modification of "carrying concealed weapons" penalties regarding possession of weapon

Prohibition regarding possession of weapon

Under current law, unchanged by the bill, the prohibitions under the offense of "carrying concealed weapons" that pertain to possession of a weapon prohibit a person from knowingly carrying or having, concealed on the person's person or concealed ready at hand, any of the following:¹⁷

1. A deadly weapon other than a handgun;
2. A handgun other than a dangerous ordnance;
3. A dangerous ordnance.

Possession prohibition penalties under the bill

The current penalties for the offense of "carrying concealed weapons" that apply to a violation of the possession prohibition, described below, depend upon whether the offender is

¹⁴ R.C. 1547.69(H)(2)(a)(i), 2923.12(C)(2)(a)(i), 2923.121(B)(1)(d)(i) and (f), 2923.122(D)(3)(b), 2923.123(C)(6), 2923.126(A), (D), and (F)(1), 2924.1213(C), and 2923.16(F)(5)(a).

¹⁵ R.C. 1547.69(H)(2)(a)(ii), 2923.12(C)(2)(a)(ii), 2923.121(B)(1)(f), 2923.122(D)(3)(b), 2923.123(C)(6), 2923.126(E)(2), and 2923.16(F)(5)(a).

¹⁶ R.C. 2923.121(B)(1)(d)(ii).

¹⁷ R.C. 2923.12(A).

a concealed weapons licensee, is an armed forces active duty member, or is in possession of a handgun on the premises of an institution of higher education. The bill modifies the penalties for the offense in two ways.

First, the bill modifies the penalty for carrying concealed weapons in violation of the possession prohibition if the offender is a concealed weapons licensee and has been issued a concealed weapons license that is valid at the time of the violation, is an armed forces active duty member and has been issued a valid military identification and documentation of successful completion of firearms training that meets or exceeds the training requirements for a concealed weapons license that are valid at the time of the carrying or possession, or is at least age 21 and not prohibited under the law of Ohio or the U.S. from possessing a deadly weapon. Under the bill, the penalty for the offense in any of those circumstances generally is a minor misdemeanor, but it is: (1) a fourth degree felony if the offender previously has been convicted of the offense or an offense of violence, if the weapon is a firearm that is either loaded or for which the offender has ammunition ready at hand, or if the weapon is dangerous ordnance, and (2) a third degree felony if the offense is committed aboard an aircraft, or with purpose to carry a concealed weapon aboard an aircraft.

Second, the bill eliminates the special carrying concealed weapons penalties associated with a concealed handgun licensee who is being arrested for the offense producing a concealed handgun license and an active duty member who is being arrested for the offense producing a valid military identification card and documentation of successful completion of firearms training that meets or exceeds the training requirements for a concealed handgun license.¹⁸

Current possession prohibition penalties for concealed handgun licensee

Under current law, if a person being arrested for carrying a concealed handgun in violation of the possession prohibition promptly produces a valid concealed handgun license, and if at the time of the violation the person was not knowingly in an unauthorized place, the officer must not arrest the person for a violation of the prohibition. If the person is not able to promptly produce a concealed handgun license and if the person is not in an unauthorized place, the officer may arrest the person for a violation, and the offender must be punished as follows:¹⁹

- The offender is guilty of a minor misdemeanor if both of the following apply:
 - Within ten days after the arrest, the offender presents a concealed handgun license, which license was valid at the time of the arrest, to the law enforcement agency that employs the arresting officer.
 - At the time of the arrest, the offender was not knowingly in an unauthorized place.

¹⁸ R.C. 2923.12(F)(1), (2), (6), and (7).

¹⁹ R.C. 2923.12(F)(2), repealed by the bill, and 2923.126(B).

- The offender is guilty of a misdemeanor and will be fined \$500 if all of the following apply:
 - The offender previously had been issued a concealed handgun license, and that license expired within the two years immediately preceding the arrest.
 - Within 45 days after the arrest, the offender presents a concealed handgun license to the law enforcement agency that employed the arresting officer, and the offender waives in writing the offender's right to a speedy trial on the charge of the violation.
 - At the time of the commission of the offense, the offender was not knowingly in an unauthorized place.

Current possession prohibition penalties for armed forces active duty members

Under current law, if a person being arrested for carrying a concealed handgun in violation of the possession prohibition is an armed forces active duty member and is carrying a valid military identification and documentation of successful completion of firearms training that meets or exceeds the training requirements for a concealed handgun license, and if at the time of the violation the person was not knowingly in an unauthorized place, the officer must not arrest the person for a violation of the prohibition. If the person is not able to promptly produce a valid military identification and documentation of successful completion of firearms training that meets or exceeds the training requirements for a concealed handgun license and if the person is not in an unauthorized place, the officer must issue a citation and the offender will be assessed a civil penalty of not more than \$500. The citation must be automatically dismissed and the civil penalty must not be assessed if both of the following apply:²⁰

- Within ten days after the issuance of the citation, the offender presents a valid military identification and documentation of successful completion of firearms training that meets or exceeds the training requirements for a concealed handgun license, which were both valid at the time of the issuance of the citation to the law enforcement agency that employs the citing officer.
- At the time of the citation, the offender was not knowingly in an unauthorized place.

Current possession prohibition penalties for institution of higher education premises

Under current law, if a person being arrested for carrying a concealed handgun in violation of the possession prohibition is knowingly on premises owned or leased by any public or private institution of higher education and is not authorized to carry a handgun or have a

²⁰ R.C. 2923.12(F)(6), repealed by the bill, and 2923.126(B).

handgun concealed on the person's person or concealed ready at hand on those premises, the penalty must be as follows:²¹

- If the person produces a valid concealed handgun license within ten days after the arrest and has not been previously convicted of carrying a concealed handgun in violation of the prohibition, the person is guilty of a minor misdemeanor.
- If the person has been previously convicted of carrying a concealed handgun in violation of the prohibition, the person is guilty of a fourth degree misdemeanor.
- If the person has been previously convicted two times of carrying a concealed handgun in violation of the prohibition, the person is guilty of a third degree misdemeanor.
- If the person has previously been convicted three or more times of carrying a concealed handgun in violation of the prohibition, the person is guilty of a second degree misdemeanor.

Modification of requirement that a licensee or armed service member has a duty to notify

When stopped for a law enforcement purpose

Under the bill, if a person who has been issued a concealed weapons license or who is at least age 21 and not prohibited under the law of Ohio or the U.S. from possessing a deadly weapon is stopped for a law enforcement purpose and is carrying a concealed deadly weapon that is not a restricted deadly weapon, before or at the time a law enforcement officer asks if the person is carrying a concealed deadly weapon, the person must disclose that the person then is carrying a concealed deadly weapon. Failure to do so is prohibited.

Under current law, a concealed handgun licensee who is carrying a concealed handgun 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 then is carrying a concealed handgun, and failure to do so is a criminal prohibition.²²

When stopped in a motor vehicle

Under the bill, if a person who has been issued a concealed weapons license, who is an armed forces active duty member and has been issued a valid military identification card and documentation of successful completion of firearms training that meets or exceeds the training requirements for a concealed weapons license, or who is at least age 21 and not prohibited under the law of Ohio or the U.S. from possessing a firearm is the driver or occupant of a motor vehicle stopped for a law enforcement purpose or of a commercial motor vehicle stopped for a

²¹ R.C. 2923.12(F)(7), repealed by the bill, and 2923.126(B)(5).

²² R.C. 2923.12(B)(1).

specified purpose and is transporting or has a loaded firearm that is not a restricted firearm in the motor vehicle, before or at the time a law enforcement officer or Motor Carrier Enforcement Unit employee asks if the person is carrying a concealed firearm, the person must disclose that the person then possesses or has a loaded firearm in the motor vehicle. Failure to do so is prohibited.

Under current law, a concealed handgun licensee or active duty member who possesses or has a loaded handgun in the motor vehicle must promptly inform any law enforcement officer or Motor Carrier Enforcement Unit employee who approaches the vehicle after it has been stopped that the person has been issued a concealed handgun license or is authorized to carry a concealed handgun as an active duty member and that the person then possesses or has a loaded handgun in the motor vehicle, and failure to do so is a criminal prohibition.²³

Penalty for failure to comply with duty to notify

The bill eliminates the penalty for a violation of either of the above duties to notify, and references to convictions of such violations. Under current law, the penalty is generally a first degree misdemeanor and, if the person is a concealed handgun licensee, the person's concealed handgun license is generally suspended. But, if the law enforcement officer or Motor Carrier Enforcement Unit employee had actual knowledge that the person was a concealed handgun licensee, the penalty is a minor misdemeanor and the license is not suspended. Under the bill, no penalty is provided for a violation of either of the bill's new duties to notify described above.²⁴

Duty to notify and other law enforcement duties

The bill includes the duty to notify provisions described above, but eliminates similar language found in the Revised Code provisions that pertain to the authority granted under a concealed handgun license.²⁵

Expansion of other duties applicable to a licensee or armed services member

The bill expands provisions that currently impose duties, other than the duty to notify described above, on a concealed handgun licensee or armed forces active duty member so that the provisions also apply with respect to a person who is at least age 21 and not prohibited under the law of Ohio or the U.S. from possessing a deadly weapon. A violation of any of the duties is a criminal offense, with the penalty being a first degree misdemeanor or fifth degree felony, depending on the circumstances present. The duties, as expanded by the bill (the current penalties apply to a violation of the expanded duties), prohibit:

²³ R.C. 2923.16(E)(1) and (2).

²⁴ R.C. 2923.12(F)(3), repealed by the bill, 2923.128(A), and 2923.16(I).

²⁵ R.C. 2923.126(A).

1. A concealed weapons licensee or a person who is at least age 21 years and not prohibited under the law of Ohio or the U.S. from possessing a deadly weapon, who is stopped for a law enforcement purpose, and who is carrying a concealed deadly weapon that is not a restricted deadly weapon from knowingly:²⁶ (a) failing to keep the person's hands in plain sight after a law enforcement officer begins approaching and before the officer leaves, unless the failure is pursuant to and in accordance with directions given by a law enforcement officer, (b) removing or attempting to remove the loaded firearm from the place in which the person is carrying it, grasping or holding the loaded firearm, or having contact with the loaded firearm by touching it at any time after the officer begins approaching and before the officer leaves, unless done pursuant to and in accordance with directions given by the law enforcement officer, or (c) disregarding or failing to comply with a lawful order of a law enforcement officer given while the person is stopped, including a specific order to keep the person's hands in plain sight.
2. A concealed weapons licensee, an armed forces active duty member who has been issued a valid military identification card and documentation of successful completion of firearms training that meets or exceeds the training requirements for a concealed weapons license, or a person who is at least age 21 and not prohibited under the law of Ohio or the U.S. from possessing a firearm, who is the driver or an occupant of a motor vehicle stopped for a law enforcement purpose or of a commercial motor vehicle stopped for a specified purpose, and who is transporting or has a loaded firearm that is not a restricted firearm in the motor vehicle from knowingly:²⁷ (a) failing to remain in the vehicle while stopped or to keep the person's hands in plain sight at any time after a law enforcement officer begins approaching and before the officer leaves, unless the failure is pursuant to and in accordance with directions given by a law enforcement officer, (b) having contact with the loaded firearm by touching it at any time after the officer begins approaching and before the officer leaves, unless done pursuant to and in accordance with directions given by the law enforcement officer, or (c) disregarding or failing to comply with a lawful order of a law enforcement officer given while the person is stopped, including a specific order to keep the person's hands in plain sight.
3. The bill expands the provisions that impose the duties as described above, but eliminates similar language found in the Revised Code provisions that pertain to the authority granted under a concealed handgun license.²⁸

²⁶ R.C. 2923.12(B)(2) to (4).

²⁷ R.C. 2923.16(E)(3) to (5).

²⁸ R.C. 2923.126(A).

Modification of license application and renewal procedures

The bill allows an applicant for a concealed weapons license who is an Ohio resident to apply to the sheriff of any county, rather than only to the sheriff of the applicant's county of residence or of an adjacent county. It retains the existing provisions (except that it expands the language to apply to a concealed weapons licensee) that require an applicant for a concealed weapons license who does not reside in Ohio to apply to the sheriff of the county in which the applicant is employed or of an adjacent county. The bill also allows an applicant for a temporary emergency license to apply to any sheriff. Currently, a person seeking a temporary emergency license must apply to the sheriff of the county in which the person resides or, if the person usually resides in a state other than Ohio, to the sheriff of the county in which the person is temporarily staying – it is unclear how the bill's change regarding an application for a temporary emergency license affects the application by a person who usually resides in a state other than Ohio.²⁹

Similarly, the bill allows an applicant for a renewal of a concealed weapons license who is an Ohio resident to file with the sheriff of any county, rather than only to the sheriff of the applicant's county of residence or an adjacent county. It retains the existing provisions (except that it expands the language to apply to a concealed weapons licensee) that requires an applicant for a concealed weapons license who does not reside in Ohio to apply to the sheriff of the county that issued the applicant's previous license.³⁰

The bill retains existing provisions (except it expands the language to apply to a concealed weapons licensee) that require a sheriff to provide at least 15 hours a week during which the sheriff accepts concealed weapons applications or renewal applications and provides application forms and information on concealed weapons applications. The bill allows a sheriff to provide up to eight hours (outside of the required 15 hours) during which the sheriff accepts or provides the information on concealed weapons applications only from or to county residents. For each of these hours in a week, the sheriff must provide an additional hour outside of the required 15 hours during which the sheriff accepts or provides the information on concealed weapons applications from or to any person. Current law, unchanged by the bill, requires the sheriff to post notice of the hours during which the sheriff is available to accept or provide the above information.

The bill states that none of the provisions described in the preceding paragraph may be construed to prohibit the sheriff from offering more hours than the required hours during which the sheriff is available to accept or provide the above information to or from any person.³¹

²⁹ R.C. 2923.125(B) and 2923.1213(B).

³⁰ R.C. 2923.125(F)(1)(a) and (4).

³¹ R.C. 2923.125(I).

Expansion of authorized uses of sheriff's Concealed Weapons License Issuance Expense Fund

Current law requires each county to establish in the county treasury a sheriff's Concealed Handgun License Issuance Expense Fund, into which the sheriff must deposit all fees paid by applicants for the issuance or renewal of a concealed handgun license or duplicate license and all fees paid by persons seeking a temporary emergency concealed handgun license. The bill expands the purposes for which the sheriff may expend fees in the fund (renamed the Concealed Weapons License Issuance Expense Fund) to allow the sheriff, in addition to the currently authorized expenditures, to expend the fees in the fund for any costs incurred for nonlethal weapons and supplies to be used by the sheriff or the sheriff's employees, including costs incurred for training on the use of nonlethal weapons, or any costs incurred for a sheriff's employee to attend a basic peace officer training academy or a basic correction officer academy approved by the Ohio Peace Officer Training Commission.

Current law allows the sheriff to expend the fees in the fund for any costs incurred by the sheriff in connection with performing administrative duties related to the issuance of concealed handgun licenses, ammunition and firearms to be used by the sheriff and the sheriff's employees, and any costs incurred in constructing, maintaining, or renovating a shooting range to be used by the sheriff or the sheriff's employees.³²

State preemption

The bill expands state preemption of firearms regulation to include deadly weapons and firearm accessories and attachments. Under current law, state preemption of firearms regulation only includes firearms, their components, and their ammunition.

The expansion of state preemption applies to both of the following:³³

- The General Assembly's need to regulate the ownership, possession, purchase, other acquisition, transport, storage, carrying, sale, other transfer, manufacture, taxation, keeping, and reporting of loss or theft of deadly weapons, including firearms and their components, accessories, attachments, and ammunition.
- Except as otherwise provided by the United States Constitution, the Ohio Constitution, state law, or federal law, the right of a person, without further license, permission, restriction, delay, or process, including by any ordinance, rule, regulation, resolution, practice, or other action or threat of citation, prosecution, or other legal process, to own, possess, purchase, acquire, transport, store, carry, sell, transfer, manufacture, keep, or legitimately use deadly weapons, including firearms and their components, accessories, attachments, and ammunition.

³² R.C. 311.42(B).

³³ R.C. 9.68(A) and (C).

Under current law, certain zoning ordinances are exempt from state preemption. The expansion of state preemption also applies to those exempt zoning ordinances as follows:³⁴

- A zoning ordinance that regulates or prohibits the commercial sale of deadly weapons, including firearms, their components, and their ammunition, in areas zoned for residential or agricultural use.
- A zoning ordinance that specifies the hours of operation or the geographic areas where the commercial sale of deadly weapons, including firearms, their components, and their ammunition, may occur, provided that the zoning ordinance is consistent with zoning ordinances for other retail establishments in the same geographic area and does not result in a de facto prohibition of the commercial sale of deadly weapons, including firearms, their components, and their ammunition.

Background

Criminal provisions

Several existing criminal provisions prohibit a person from engaging in certain conduct if the conduct involves a deadly weapon or a deadly weapon is present during the conduct, but specify that the prohibition does not apply if the person is carrying a valid concealed handgun license or is an armed forces active duty member carrying specified types of documentation. Some of the exceptions include additional criteria that must be satisfied for the exception to apply.

As described above, the bill expands the coverage of the existing exceptions that currently apply to a person carrying a valid concealed weapons license and to an armed forces active duty member so that they also apply to any person who is at least age 21 and not prohibited under the law of Ohio or the U.S. from possessing a deadly weapon, subject to the same additional criteria, if any, that currently must be satisfied with respect to a licensee (the bill also modifies the “carrying” requirement that currently is a part of the exceptions – see **“Elimination of requirement that license or documentation must be carried,”** and modifies existing provisions to refer to the expanded types of weapons that may be carried concealed – see **“Weapons that may be carried concealed,”** above).³⁵ The bill also applies the armed forces active duty member exception to the prohibition described below in (3), for the holder of the D permit.³⁶

The existing criminal prohibitions for which the bill expands the exceptions include:

1. Prohibitions against knowingly transporting or having a loaded firearm that is not a restricted firearm in a vessel in a manner that the firearm is accessible to the operator

³⁴ R.C. 9.68(D).

³⁵ R.C. 1547.69(H)(2), 2923.12(C)(2)(a)(iii), 2923.121(B)(1)(d)(ii) and (f), 2923.122(D)(3), 2923.123(C)(6), and 2923.16(F)(5).

³⁶ R.C. 2923.121(B)(1)(d)(iii).

or a passenger, or knowingly transporting or having a firearm in a vessel unless it is unloaded and carried in a specified manner;³⁷

2. A prohibition against knowingly carrying or having, concealed on the person's person or concealed ready at hand, a deadly weapon other than a handgun or a handgun other than a dangerous ordnance, under the offense of "carrying concealed weapons";³⁸
3. A prohibition against possessing a firearm in a room in which any person is consuming beer or intoxicating liquor in a premises for which a D liquor permit has been issued or in an open air arena for which such a permit has been issued (current law does not apply the armed forces active duty member exception to this prohibition for the permit holder but does apply it for other persons), under the offense of "illegal possession of a firearm in liquor permit premises";³⁹
4. A prohibition against knowingly conveying or attempting to convey a deadly weapon or dangerous ordnance into a school safety zone, under the offense of "illegal conveyance or possession of a deadly weapon or dangerous ordnance in a school safety zone";⁴⁰
5. Prohibitions against knowingly conveying or attempting to convey a deadly weapon or dangerous ordnance into, or knowingly possessing or controlling a deadly weapon or dangerous ordnance in, a courthouse or another building or structure housing a courtroom, under the offenses of "illegal conveyance of a deadly weapon or dangerous ordnance into a courthouse" and "illegal possession or control of a deadly weapon or dangerous ordnance in a courthouse";⁴¹
6. Prohibitions against knowingly transporting or having a loaded firearm in a motor vehicle in such a manner that the firearm is accessible to the operator or a passenger without leaving the vehicle, or knowingly transporting or having a firearm in a motor vehicle, unless the person may lawfully possess that firearm under applicable law of Ohio or the U.S., the firearm is "unloaded" (see "**Definition of "unloaded,"**" below), and the firearm is carried in a specified manner, under the offense of "improperly handling firearms in a motor vehicle";⁴²

Places where a concealed handgun may be carried

Existing law provides that, subject to specified exceptions, a concealed handgun licensee may carry a concealed handgun anywhere in Ohio if the licensee also carries a valid license when in actual possession of a concealed handgun. As described above, the bill's general

³⁷ R.C. 1547.69(C), (D), and (H)(2).

³⁸ R.C. 2923.12(A)(1) and (2) and (C)(2)(a)(iii) and (f).

³⁹ R.C. 2923.121(A), (B)(1)(d)(iii), and (B)(1)(f).

⁴⁰ R.C. 2923.122(A), (B), and (D)(3).

⁴¹ R.C. 2923.123(A), (B), and (C)(6).

⁴² R.C. 2923.16(B), (C), and (F)(5).

provision extends this provision to persons who are at least age 21 and not prohibited under the law of Ohio or the U.S. from possessing a firearm, with the person being subject to the same exceptions and restrictions.⁴³

The exceptions are: (1) in any of nine specified categories of places (e.g., in specified circumstances, in a law enforcement station, school safety zone, courthouse, D liquor permit premises, institution of higher education, place of worship, government facility, or place prohibited under federal law), (2) in a manner prohibited under the offense of “carrying concealed weapons” or “improperly handling firearms in a motor vehicle,” (3) in violation of a private employer’s rule, policy, or practice concerning or prohibiting the presence of firearms on the employer’s premises or property, in specified circumstances, or (4) in violation of a sign properly posted by the owner or person in control of private land or premises, or by the private person or entity lessee on government land or premises, that prohibits persons from carrying firearms or concealed firearms on the land or premises.⁴⁴

Ban on business owner prohibition against licensee

Under existing law, a business entity, property owner, or public or private employer may not establish, maintain, or enforce a policy or rule that prohibits or has the effect of prohibiting a concealed handgun licensee from transporting or storing a firearm or ammunition when: (1) all of the firearms and ammunition remain inside the person's privately owned motor vehicle while the person is physically present inside the vehicle, or is locked within an enclosed compartment or container within or on the vehicle, and (2) the vehicle is in a location where it otherwise is permitted to be.⁴⁵

As described above, the bill expands this ban so that it also applies with respect to a person who is an armed forces active duty member and has been issued a valid military identification card and documentation of successful completion of firearms training that meets or exceeds the training requirements for a concealed handgun license and to a person who is at least age 21 and not prohibited under the law of Ohio or the U.S. from possessing a deadly weapon.⁴⁶

Definition of “unloaded”

As described above under “**Criminal provisions**”: (1) an existing provision under the offense of “improperly handling firearms in a motor vehicle” prohibits a person from knowingly transporting or having a loaded firearm in a motor vehicle, unless the person may lawfully possess that firearm under applicable law of Ohio or the U.S., the firearm is “unloaded,” and the firearm is carried in a specified manner, and (2) the bill expands the coverage of an existing exception to the prohibition so that it also applies to any person who is

⁴³ R.C. 2923.126(A) and (E)(4).

⁴⁴ R.C. 2923.126(A) to (C).

⁴⁵ R.C. 2923.1210.

⁴⁶ R.C. 2923.1210.

at least age 21 and not prohibited under the law of Ohio or the U.S. from possessing a firearm.⁴⁷

Current law defines the term “unloaded” and provides an exception to the term that currently applies in specified circumstances to concealed handgun licensees who are carrying a valid license. The bill expands the current exception so that it also applies to armed forces active duty members and to persons who are at least age 21 and not prohibited under the law of Ohio or the U.S. from possessing a firearm, and modifies the exception regarding licensees. Under the bill, a person in any of the three categories may have one or more magazines or speed loaders containing ammunition anywhere in a vehicle without further restriction, as long as no ammunition is in a firearm, other than a handgun, in the vehicle other than as permitted under any provision of the Weapons Law.⁴⁸

HISTORY

Action	Date
Introduced	12-07-21

ANHB0505IN-134/ec

⁴⁷ R.C. 2923.16(C) and (F)(5).

⁴⁸ R.C. 2923.16(L).