



Ohio Legislative Service Commission

Bill Analysis

Jeff Hobday

Sub. S.B. 199

131st General Assembly
(As Reported by S. Civil Justice)

Sens. Uecker and Gardner, Coley, Bacon, Obhof, Eklund

BILL SUMMARY

- Specifies that an active duty member of the U.S. armed forces who is carrying valid military identification and documentation of successful completion of firearms training that meets or exceeds the training requirements for concealed handgun licensees has the same right to carry a concealed handgun as a concealed handgun licensee and is subject to the same restrictions as apply to a licensee.
- Expands exemptions that currently apply to a concealed handgun licensee under offenses related to possessing a firearm in a vessel, D-liquor permit premises, a school safety zone, a courthouse, or a motor vehicle, and to carrying a concealed weapon so that they apply to a qualifying member of the military.
- Specifies penalties that apply to a qualifying member of the military who cannot promptly produce the required documents demonstrating the person's authority to carry a concealed handgun.
- Requires a qualifying member of the military who has a loaded handgun in a motor vehicle and is approached by a law enforcement officer or a Motor Carrier Enforcement Unit employee to notify the officer or employee of the concealed handgun, and follow certain other requirements, and specifies associated penalties.
- Specifies that prohibitions against selling a firearm to a person under age 18 or selling a handgun to a person under age 21 do not apply to a person who is an active duty member of the U.S. armed forces who has firearms training that meets or exceeds the training requirements for concealed handgun licensees.

CONTENT AND OPERATION

Background

Continuing law provides for the issuance of concealed handgun licenses and temporary emergency concealed handgun licenses to persons who apply for the license and satisfy specified eligibility criteria. A person who is issued a concealed handgun license is authorized to carry a concealed handgun under specified circumstances.¹

Active duty armed forces member with firearms training

The bill makes several changes in the Concealed Handgun Law regarding a person who (1) is an active duty member of the U.S. armed forces and (2) is carrying a valid military identification card and documentation of successful completion of firearms training that meets or exceeds the firearms training requirements for concealed handgun licensees (hereafter referred to as a "qualifying member of the military").

For purposes of the bill, "active duty" has the same meaning as in federal law. Under federal law, "active duty" means full-time duty in the active military service of the United States. This includes full-time training duty, annual training duty, and attendance, while in the active military service, at a school designated as a service school by law or by the Secretary of the military department concerned. The term "active duty" does not include full-time National Guard duty.²

Same right to carry as a concealed carry licensee

Under the bill, a qualifying member of the military has the same right to carry a concealed handgun in Ohio as a concealed handgun licensee. The qualifying member of the military is subject to the same restrictions as apply under the Concealed Handgun Law to a licensee.³ Under continuing law, a licensee issued a concealed handgun license generally may carry a concealed handgun anywhere in Ohio if the licensee also carries a valid license and valid identification. But a license does not authorize a licensee to carry a concealed handgun in any manner prohibited under the offenses of "carrying concealed weapons" or "improperly handling firearms in a motor vehicle," or into any of a list of prohibited places. The prohibited places are: specified law enforcement premises; a school safety zone, courthouse, or D-liquor permit premises; an institution of higher education; a place of worship; day-care premises; an aircraft; a government

¹ R.C. 2923.125 and 2923.1213, not in the bill, and 2923.126.

² R.C. 2923.11(R) and 10 U.S.C. 101, not in the bill.

³ R.C. 2923.126(E)(2).



facility; and a prohibited place under federal law. A concealed handgun licensee also generally is subject to private employer firearms restrictions or prohibitions and firearms prohibitions posted on private land or on government land leased by a private person or entity.⁴

Expansion of exemptions from certain criminal offenses

The bill expands exemptions in certain criminal offenses that currently apply to a concealed handgun licensee so that the exemptions also apply to a qualifying member of the military. Under the exemptions, a person does not commit the specified offense if the person is carrying a handgun and a valid concealed handgun license, is not in a prohibited place (see above), and in most cases satisfies one or more other specified criteria. Under the bill, an active duty member of the U.S. armed forces who is carrying a valid military identification card and documentation of successful completion of firearms training that meets or exceeds the firearms training requirements for concealed handgun licensees does not commit any of the following offenses by virtue of carrying a concealed handgun:⁵

- (1) Knowingly transporting or having a loaded firearm in a vessel;
- (2) Carrying concealed weapons involving a handgun other than a dangerous ordnance;
- (3) Illegal possession of a firearm in liquor permit premises;
- (4) Illegal conveyance or possession of a deadly weapon or dangerous ordnance in a school safety zone;
- (5) Illegal conveyance of a deadly weapon or dangerous ordnance into a courthouse;
- (6) Illegal possession or control of a deadly weapon or dangerous ordnance in a courthouse;
- (7) Improperly handling firearms in a motor vehicle involving the transportation or possession of a loaded handgun in a motor vehicle.

⁴ R.C. 2923.126(B) and (C).

⁵ R.C. 1547.69, 2923.12(C), 2923.121, 2923.122, 2923.123, and 2923.16(F)(5).



Expansion of special duties and special penalties

The bill expands the following duties and penalties under the Concealed Handgun Law so that they apply to a qualifying member of the military:

(1) Duties imposed upon a licensee who has a loaded handgun in a motor vehicle and is approached by a law enforcement officer or, if the vehicle is a commercial motor vehicle, by a Motor Carrier Enforcement Unit employee for a specified commercial vehicle-related purpose. Under the bill, a qualifying member of the military must promptly inform any law enforcement officer or unit employee who approaches the vehicle that the person has been issued a concealed handgun license and that the person has a loaded handgun in the vehicle. The person must remain in the motor vehicle while stopped and keep the person's hands in plain sight during the traffic stop. The person is prohibited from knowingly contacting the loaded handgun unless the person is doing so in accordance with directions given by the law enforcement officer, and the person must not knowingly disregard or fail to comply with any lawful order of any law enforcement officer given while the motor vehicle is stopped.⁶

(2) Penalties that apply to a licensee who violates any of those special duties listed in (1), above, which range from a minor misdemeanor to a fifth degree felony, and can include the suspension of the person's concealed handgun license.⁷ The bill specifies penalties under the offense of "carrying concealed weapons" that apply to a qualifying military member who cannot promptly produce proof of authorization to carry a concealed firearm. More specifically, an active duty military member is subject to a citation and a civil penalty of \$500 or less if the person is arrested for carrying a concealed handgun and cannot promptly produce a valid military identification card and documentation of successful completion of firearms training that meets or exceeds the training requirements for concealed carry licensees. The citation is automatically dismissed and the civil penalty is not assessed if the offender presents the necessary documentation within ten days after receiving the citation and the offender was not knowingly in a place where carrying a concealed handgun is prohibited.⁸

Improperly furnishing firearms to a minor

The bill specifies that the existing prohibitions against selling a firearm to a person who is under age 18 or selling a handgun to a person who is under age 21 do not apply to an active duty member of the U.S. armed forces who has received firearms

⁶ R.C. 2923.16(E); also see R.C. 2923.126(A), unchanged by the bill.

⁷ R.C. 2923.16(I).

⁸ R.C. 2923.12(F)(6).



training that meets or exceeds the training requirements for concealed carry licensees. Continuing law provides an exemption from the prohibitions for a law enforcement officer in specified circumstances, and specifies that a violation of either prohibition is the offense of "improperly furnishing firearms to a minor," a fifth degree felony.⁹

HISTORY

ACTION	DATE
Introduced	07-20-15
Reported, S. Civil Justice	04-25-16

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⁹ R.C. 2923.21.

