



Ohio Legislative Service Commission

Bill Analysis

Jeff Hobday

Sub. S.B. 199*

131st General Assembly
(As Reported by H. State Government)

Sens. Uecker and Gardner, Coley, Bacon, Obhof, Eklund, Beagle, Burke, Faber, Hackett, Hite, Hottinger, Hughes, Jones, Jordan, LaRose, Manning, Oelslager, Patton, Seitz

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 the sale or furnishing of a handgun to a person who is an active duty member of the U.S. armed forces who

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

has firearms training that meets or exceeds the training requirements for concealed handgun licensees.

- Directs the Attorney General to create and maintain a section on its website that provides information on state firearms laws applicable to military members.
- Makes it an unlawful discriminatory practice for an employer to discharge without just cause, to refuse to hire, or to discriminate against a person who holds a valid concealed handgun license regarding matters related to employment, because the person possessed a firearm within the person's private real property or within a motor vehicle.
- Allows a person to file a charge with the Civil Rights Commission alleging that another person has engaged in or is engaging in an unlawful discriminatory practice by making decisions regarding that person's employment on the basis described above and allows the Civil Rights Commission to investigate and remediate that unlawful discriminatory practice.

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

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



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

³ R.C. 2923.126(E)(2).

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).



(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.

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 or is authorized to carry a concealed handgun as an active duty military member 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

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

⁷ R.C. 2923.16(I).



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

Other changes to firearms and concealed carry law

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 the sale or furnishing of a handgun to an active duty member of the U.S. armed forces who has received firearms 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

Addition to Attorney General's website

The bill directs the Attorney General to create and maintain a section on its website that provides information on state firearms laws specifically applicable to U.S. military members. The bill also requires the new section of the website to contain a link to the pamphlet of information on firearms laws created by the Ohio Peace Officer Training Commission pursuant to current law.¹⁰

Unlawful discriminatory practice – storing a firearm on private real property or within a motor vehicle on an employer's premises

Existing law provides that certain specified acts are unlawful discriminatory practices, including an employer, because of the race, color, religion, sex, military status, national origin, disability, age, or ancestry of a person, discharging without just cause,

⁸ R.C. 2923.12(F)(6).

⁹ R.C. 2923.21.

¹⁰ R.C. 109.731(B)(3).



refusing to hire, or otherwise discriminating against that person with respect to hire, tenure, terms, conditions, or privileges of employment, or any matter directly or indirectly related to employment.¹¹ The bill makes it an unlawful discriminatory practice for an employer to take these adverse employment actions because a person who holds a valid concealed handgun license possessed a firearm within the person's private real property or within a motor vehicle not owned or controlled by the employer, regardless of whether the motor vehicle is located on the employer's real property and, if the motor vehicle is located on the employer's real property, regardless of the motor vehicle's location on that property.¹²

Filing a charge of unlawful discriminatory practice

Under continuing law, any person may file a charge with Ohio's Civil Rights Commission alleging that another person has engaged or is engaging in an unlawful discriminatory practice. In the case of certain specified charges under continuing law (those that allege unlawful discriminatory practices not related to housing) or a charge of an unlawful discriminatory practice created in the bill, the charge must be in writing and under oath and must be filed with the Commission within six months after the alleged unlawful discriminatory practice was committed. The Commission may investigate the charge and may initiate further action in accordance with procedures specified in continuing law. The Commission may also conduct a preliminary investigation upon its own initiative relating to those unlawful discriminatory practices in current law or an unlawful discriminatory practice created by the bill. Although continuing law requires that the Commission must first attempt to induce compliance with Ohio's Civil Rights Law through informal methods, if the Commission ultimately determines that an unlawful discriminatory practice has occurred, after a hearing the Commission may issue an order to remedy the situation, including a cease and desist order or an order requiring back pay, reinstatement, or hiring.¹³

Civil penalty

Under existing law, a person who violates the Civil Rights Commission Law¹⁴ is subject to a lawsuit for damages, injunctive relief, or any other appropriate relief. The bill does not amend this provision but, under the bill, an employer who discharges without just cause, refuses to hire, or otherwise discriminates against a person with a

¹¹ R.C. 4112.02(A).

¹² R.C. 4112.02(K).

¹³ R.C. 4112.05.

¹⁴ R.C. Chapter 4112.

concealed handgun license with respect to hiring, tenure, terms, conditions, or privileges of employment, or any matter related directly or indirectly to employment, because the person possessed a firearm within the person's private real property or within a motor vehicle may also be subject to this lawsuit.¹⁵

HISTORY

ACTION	DATE
Introduced	07-20-15
Reported, S. Civil Justice	04-25-16
Passed Senate (32-0)	04-27-16
Reported, H. State Government	---

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¹⁵ R.C. 4112.99, not in the bill.

