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Final Analysis

Bill Rowland

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Sens. Schaffer, Jones, Faber, Cafaro, Jordan, Grendell, Daniels, Beagle, Seitz, Wilson, Widener, Oelslager, Manning, Cates, Hite, Niehaus, Obhof, Stewart, Coley

Reps. Mecklenborg, Maag, Blessing, Buchy, Combs, Dovilla, Huffman, Young, Amstutz, Balderson, Beck, Boose, Brenner, Bulp, Carey, Derickson, Goodwin, Hackett, C. Hagan, Hall, Hayes, Henne, Johnson, Kozlowski, Landis, Martin, Newbold, Roegner, Ruhl, Sears, Thompson, Uecker, Batchelder

Effective date: September 30, 2011

ACT SUMMARY

Concealed carry in a liquor permit premises

- Expands the types of liquor permit premises in which a concealed carry licensee may legally possess a concealed handgun to include any premises that has been issued a D liquor permit, which includes carry outs, restaurants, nightclubs, clubs, hotels, shopping malls, marinas, museums, and other establishments.
- Specifies that the above exemption applies only if a concealed carry licensee is not consuming beer or intoxicating liquor or under the influence of alcohol or a drug of abuse while in possession of a firearm in a premises that has been issued a D liquor permit.

Improperly handling firearms in a motor vehicle by a concealed carry licensee

- Through repeal of a prohibition, allows a concealed carry licensee to transport or have a loaded handgun in a motor vehicle regardless of whether it is secured in a holster, case, bag, or box or by other specified means.

* This version updates the effective date of the act.

- In concert with the above change, repeals a provision that prohibited a concealed carry licensee from removing or attempting to remove a loaded handgun from the holster, case, bag, box, etc., grasping it, and holding or having contact with it by touching it while the vehicle was being operated on a street, highway, or public property.
- Alters other prohibitions related to improperly handling firearms in a motor vehicle by a concealed carry licensee to conform with the repeal of the prohibition related to securing a handgun in a motor vehicle.

Knowingly transporting a firearm in a motor vehicle by a concealed carry licensee

- Modifies an exception to prohibitions governing the transporting of a firearm in a motor vehicle by eliminating a portion of the exception that generally required a concealed carry licensee's handgun to be secured in a holster, case, bag, or box or by other specified means.

Expungement of prior conviction of improperly handling firearms in a motor vehicle that no longer would be a crime

- Authorizes the expungement of a prior conviction of improperly handling firearms in a motor vehicle that no longer would be a crime under the act.

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CONTENT AND OPERATION

Firearm possession in a liquor permit premises

The act generally expands the types of liquor permit premises in which a concealed carry licensee (see below) may legally possess a firearm. The act accomplishes this by altering an exemption from the offense of illegal possession of a firearm in a liquor permit premises. Under law partially changed by the act, that offense prohibits a person from possessing a firearm in any room in which any person is consuming liquor in a premises for which a D liquor permit has been issued or in an open air arena for which a similar permit has been issued, with certain exemptions. The act modifies the offense by referring to the consumption of beer and intoxicating liquor rather than just liquor. A D liquor permit generally applies to retail store carry outs, restaurants and nightclubs, clubs such as private clubs, hotels and motels, enclosed shopping malls, river boats, marinas, museums, community entertainment districts, and other establishments and provides for on-premises consumption and, for some of the permits, sale in sealed containers for carry out.

One of the exemptions from the offense pertains to concealed carry licensees (the other exemptions from, and affirmative defenses to, the offense are described below in "**Firearm in liquor permit premises – other exemptions**" under "**Background**"). The act modifies this exemption to allow a concealed carry licensee to possess a firearm in a room in which a person is consuming beer or intoxicating liquor in any D permit premises as long as the licensee is not consuming beer or intoxicating liquor or under the influence of alcohol or a drug of abuse (see "**Firearm restrictions established by property owner or lessee**" under "**Background**," below).¹

Under prior law, the concealed carry licensee exemption provided that a licensee was only exempt from the offense if the licensee possessed the firearm in a retail store with a D-6 and D-8 permit, or just a D-8 permit, issued for the store and the person was not consuming liquor or under the influence of alcohol or a drug of abuse. A D-6 liquor permit authorizes the sale of intoxicating liquor on Sunday between the hours of 10 a.m. or 1 p.m. and midnight. A D-8 liquor permit authorizes the sale of tasting samples of beer, wine, and mixed beverages, but not spirituous liquor, at retail, for consumption on the premises.²

Under continuing law, unchanged by the act, illegal possession of a firearm in a liquor permit premises is a fifth degree felony. However, if the offender commits the

¹ R.C. 2923.121(A) and (B)(1)(e); R.C. 4303.13 to 4303.184, not in the act.

² R.C. 2923.121(B)(1)(e); R.C. 4303.182 and 4303.184, not in the act.

violation by knowingly carrying or having the firearm concealed on the offender's person or concealed ready at hand, it is a third degree felony.³

For purposes of this analysis, "concealed carry licensee" means a person issued an Ohio license to carry a concealed handgun, an Ohio temporary emergency license to carry a concealed handgun, or a comparable license by another state with which the Attorney General has entered into a reciprocity agreement.

(Related to the changes described above, see **"Using weapons while intoxicated"** under **"Background."**)

Improperly handling firearms in a motor vehicle by a concealed carry licensee

The act repeals a series of prohibitions that relate to the offense of improperly handling firearms in a motor vehicle that are applicable to a concealed carry licensee.

Securing a loaded handgun in a vehicle

The act allows a concealed carry licensee to keep a loaded handgun in a motor vehicle without having it secured. It does so by repealing a provision that prohibited a concealed carry licensee from knowingly transporting or having a loaded handgun in a motor vehicle unless one of the following applied:

- (1) The loaded handgun was in a holster on the person's person;
- (2) The loaded handgun was in a closed case, bag, box, or other container that was in plain sight and that had a lid, a cover, or a closing mechanism with a zipper, snap, or buckle that had to be opened for a person to gain access to the handgun; or
- (3) The loaded handgun was securely encased by being stored in a closed glove compartment or vehicle console or in a case that was locked.⁴

Under prior law, a violation of this prohibition was a fifth degree felony.⁵ (See also **"Improperly handling firearms in a motor vehicle – alcohol or drug-related prohibition, exemptions, and affirmative defenses"** under **"Background,"** below.)

³ R.C. 2923.121(E).

⁴ R.C. 2923.16(E)(1).

⁵ R.C. 2923.16(I).

Removing, grasping, or touching a loaded handgun while operating a vehicle

In concert with the above change, the act also repeals a provision that prohibited a concealed carry licensee who was transporting or had a loaded handgun in a motor vehicle from knowingly:

(1) Removing or attempting to remove the loaded handgun from the holster, case, bag, box, container, or glove compartment while the motor vehicle was being operated on a street, highway, or public property;

(2) Grasping or holding the loaded handgun while the motor vehicle was being so operated; or

(3) Having contact with the loaded handgun by touching it with the person's hands or fingers while the motor vehicle was being so operated.⁶

The prohibition did not apply if the person removed, attempted to remove, grasped, held, or had contact with the loaded handgun pursuant to and in accordance with directions given by a law enforcement officer.⁷

Under prior law, a violation of this prohibition was a fifth degree felony.⁸

Removing, grasping, or touching a loaded handgun after being stopped

The act makes conforming changes by eliminating a portion of a provision that prohibited a concealed carry licensee from knowingly removing a loaded handgun from the holster, case, bag, box, container, or glove compartment and knowingly grasping or holding the loaded handgun if:

(1) The concealed carry licensee was the driver or occupant of a motor vehicle that was stopped as a result of a traffic stop or a stop for another law enforcement purpose;

(2) The licensee was transporting the loaded handgun in accordance with continuing requirements for securing the handgun (see "**Concealed carry licensees – prohibited places**" under "**Background**," below); and

(3) The licensee was approached by any law enforcement officer while stopped.

⁶ R.C. 2923.16(E)(2).

⁷ R.C. 2923.16(E)(2).

⁸ R.C. 2923.16(I).

This conforming change makes the provision consistent with the act's repeal of the provision of law that required conceal carry licensees to secure loaded handguns in a motor vehicle (see above).

However, the act retains a portion of the provision under which a concealed carry licensee must not knowingly have contact with the loaded handgun by touching it with the person's hands or fingers in the motor vehicle at any time after the law enforcement officer begins approaching and before the law enforcement officer leaves. The prohibition does not apply if the person removes, attempts to remove, grasps, holds, or has contact with the loaded handgun pursuant to and in accordance with directions given by the law enforcement officer.⁹ The act does not change the penalty for a violation of this prohibition, which is a fifth degree felony.¹⁰

Technical changes

The act makes technical changes to prohibitions regarding promptly informing a law enforcement officer or an employee of the Motor Carrier Enforcement Unit of the Highway Patrol of a concealed handgun; remaining in a vehicle or failing to keep hands in plain sight after being stopped; and complying with an order of a law enforcement officer after being stopped.¹¹

Knowingly transporting a firearm in a motor vehicle by a concealed carry licensee

Modification of an exception

Continuing law prohibits anyone from:

(1) Knowingly transporting or having a loaded firearm in a motor vehicle in such a manner that the firearm is accessible to the operator or any passenger without leaving the vehicle; or

(2) Knowingly transporting or having a firearm in a motor vehicle unless the person may lawfully possess that firearm under an applicable Ohio or federal law, the firearm is unloaded, and the firearm is carried in one of the following ways:

(a) In a closed package, box, or case;

(b) In a compartment that can be reached only by leaving the vehicle;

⁹ R.C. 2923.16(E)(4).

¹⁰ R.C. 2923.16(I).

¹¹ R.C. 2923.16(E)(1) to (3) and (5).

(c) In plain sight and secured in a rack or holder made for the purpose; or

(d) If the firearm is at least 24 inches in overall length as measured from the muzzle to the part of the stock furthest from the muzzle and if the barrel is at least 18 inches in length, either in plain sight with the action open or the weapon stripped, or, if the firearm is of a type on which the action will not stay open or which cannot easily be stripped, in plain sight.¹²

Continuing law establishes an exception to both of the above prohibitions that is related to concealed carry licensees. Under law retained by the act, the exception provides that the prohibitions do not apply to a person who transports or possesses a handgun in a motor vehicle when, at the time of the transportation or possession, both of the following apply:

(1) The person is a concealed carry licensee; and

(2) The licensee transporting or possessing the handgun is not knowingly in a place where the licensee otherwise is prohibited from entering with a concealed handgun (see "**Concealed carry licensees – prohibited places**" under "**Background**," below).¹³

However, the act eliminates a third prong of the exception under which the handgun had to have been in a holster on the person's person; in a closed case, bag, box, or other container that was in plain sight and that had a lid, a cover, or a closing mechanism with a zipper, snap, or buckle that had to be opened for a person to gain access to the handgun; or securely encased by being stored in a closed glove compartment or vehicle console or in a case that was locked.¹⁴

The act conforms the penalty for violation of the prohibitions by a concealed carry licensee to reflect the removal of the third prong from the exception. Violation is a fourth degree felony.¹⁵

¹² R.C. 2923.16(B) and (C).

¹³ R.C. 2923.126(B) (not in the act).

¹⁴ R.C. 2923.16(F)(5).

¹⁵ R.C. 2923.16(I).

Expungement of prior conviction of improperly handling firearms in a motor vehicle that no longer would be a crime under the act

Continuing law, unchanged by the act, authorizes in specified circumstances the sealing of the record of conviction of first offenders, the sealing of records after a not guilty finding, dismissal of charges, or entry of a no bill, and the sealing of records when a court enters a judgment vacating and setting aside a conviction because of DNA testing.¹⁶ The act establishes a mechanism that authorizes the expungement of the records of a prior conviction of improperly handling firearms in a motor vehicle that no longer would be a crime under the act.

Authorization to file application for expungement

Under the act, if a person is convicted of, was convicted of, pleads guilty to, or has pleaded guilty to the offense of improperly handling firearms in a motor vehicle by a concealed carry licensee as it existed prior to the act's effective date and if the conduct that was the basis of the violation no longer would be a violation on or after the act's effective date, the person may file an application as described below requesting the expungement of the record of conviction (see "**Definitions**," below). The conduct that the act decriminalizes is described above in "**Improperly handling firearms in a motor vehicle by a concealed carry licensee**."

Also, under the act, if a person is convicted of, was convicted of, pleads guilty to, or has pleaded guilty to the offense of knowingly transporting a firearm in a motor vehicle by a concealed carry licensee as it existed prior to the act's effective date and if the conduct that was the basis of the violation no longer would be a violation of the offense on or after the act's effective date, the person may file an application as described below requesting the expungement of the record of conviction. The conduct that the act decriminalizes is described above in "**Knowingly transporting a firearm in a motor vehicle by a concealed carry licensee**."¹⁷

Expungement procedure and order

Any person who is convicted of, was convicted of, pleads guilty to, or has pleaded guilty to a violation of either of the offenses described above as they existed prior to the act's effective date and who is authorized as described above to file an application for the expungement of the conviction record may apply to the sentencing court for the expungement of the record of conviction. The person may file the

¹⁶ R.C. 2953.31 to 2953.36, not in the act except for R.C. 2953.321, 2953.33, and 2953.35; R.C. 2953.51 to 2953.56, not in the act; and 2953.57 to 2953.61, not in the act.

¹⁷ R.C. 2923.16(H)(2)(a).

application at any time on or after the act's effective date. The application must: (1) identify the applicant, the offense for which the expungement is sought, the date of the conviction of or plea of guilty to that offense, and the court in which the conviction occurred or the guilty plea was entered, (2) include evidence that the offense was a violation of one of the applicable statutes as it existed prior to the act's effective date and that the applicant is authorized to file an application for expungement under the mechanism, and (3) include a request for expungement of the record of conviction of that offense under the mechanism.

Upon the filing of an application and the payment of a \$50 fee, if applicable, the court must set a date for a hearing and notify the prosecutor for the case of the hearing. The fee is not required if the applicant is indigent. The prosecutor may object to the granting of the application by filing an objection with the court prior to the date set for the hearing. An objection must specify the reasons for believing a denial of the application is justified. The court must direct its regular probation officer, a state probation officer, or the county department of probation to make inquiries and written reports as the court requires concerning the applicant. The court is required to pay \$30 of the fee into the state treasury and to pay \$20 of the fee into the county general revenue fund.

The court must hold the hearing and, at the hearing, must determine whether the applicant has been convicted of or pleaded guilty to a violation of either of the offenses described above that no longer would be a violation on or after the act's effective date. If the prosecutor has filed an objection to the application, the court must consider the reasons against granting the application specified by the prosecutor in the objection. The court also must weigh the interests of the applicant in having the records pertaining to the applicant's conviction or guilty plea expunged against the legitimate needs, if any, of the government to maintain those records.¹⁸

The court may order the expungement of all official records (see "**Definitions**," below) pertaining to the case and the deletion of all index references to the case and, if it does order the expungement, must send notice of the order to each public office or agency that the court has reason to believe may have an official record pertaining to the case if the court, after making the determinations described above, determines both of the following:¹⁹

(1) That the applicant has been convicted of or pleaded guilty to a violation of one of the offenses described above as it existed prior to the act's effective date and the

¹⁸ R.C. 2953.37(B) to (D)(1) and (D)(3).

¹⁹ R.C. 2953.37(D)(2)(a).

conduct that was the basis of the violation no longer would be a violation on or after the act's effective date; and

(2) That the interests of the applicant in having the records pertaining to the applicant's conviction or guilty plea expunged are not outweighed by any legitimate needs of the government to maintain those records.

The proceedings in the case that is the subject of an expungement order issued as described above must be considered not to have occurred and the conviction or guilty plea of the person who is the subject of the proceedings must be expunged. The record of the conviction cannot be used for any purpose, including, but not limited to, a criminal records check or a determination of eligibility for a license or temporary emergency license to carry a concealed handgun. The applicant may, and the court must, reply that no record exists with respect to the applicant upon any inquiry into the matter.²⁰

Other effects of expungement order

Continuing law provides for the preservation and limited use of records or reports of a law enforcement officer or agency that are excepted from the definition of official records (see below) and that pertain to a case the records of which have been ordered sealed under the law governing the sealing of the record of conviction of first offenders (the records and reports are designated as investigatory work product). The act extends the provisions so that they also apply to records or reports of a law enforcement officer or agency that are excepted from the definition of official records and that pertain to a case the records of which have been ordered expunged under the act's provisions described above.²¹

Continuing law specifies that an order to seal the record of a person's conviction restores the person to all rights and privileges not otherwise restored by termination of the sentence or community control sanction or by final release on parole or post-release control. The act extends this provision so that it also applies regarding an order to expunge the record of a person's conviction issued under the act's provisions described above.²²

Continuing law specifies that, in any application for employment, license, or other right or privilege, any appearance as a witness, or any other inquiry, subject to a

²⁰ R.C. 2953.37(D)(2)(b); R.C. 2923.125(D)(5).

²¹ R.C. 2953.321.

²² R.C. 2953.33(A).

few specified exceptions, a person may be questioned only with respect to convictions not sealed unless the question bears a direct and substantial relationship to the position for which the person is being considered. The act provides that, in any of those circumstances, a person may not be questioned with respect to any conviction expunged under the act's provisions described above.²³

Continuing law provides that, except as expressly authorized by specified provisions of law, any officer or employee of the state, or a political subdivision of the state, who releases or otherwise disseminates or makes available for any purpose involving employment, bonding, or licensing in connection with any business, trade, or profession to any person, or to any department, agency, or other instrumentality of the state, or any political subdivision of the state, any information or other data concerning any arrest, complaint, indictment, trial, hearing, adjudication, conviction, or correctional supervision the records with respect to which the officer or employee had knowledge of were sealed by an order under the law governing the sealing of the record of conviction of first offenders is guilty of divulging confidential information, a fourth degree misdemeanor. It is not a violation of this provision for the Bureau of Criminal Identification and Investigation or any authorized Bureau employee participating in the investigation of criminal activity to release, disseminate, or otherwise make available to, or discuss with, a person directly employed by a law enforcement agency DNA records collected in the DNA database or fingerprints filed for record by the Bureau's Superintendent. The act extends the prohibition under the offense of divulging confidential information so that it also applies to records with respect to which the officer or employee had knowledge of were expunged by an order issued under the act's provisions described above.²⁴

Attorney General public media advisory

The act requires the Attorney General to develop a public media advisory that summarizes the expungement procedure described above and the offenders who are authorized to apply for the expungement. Within 30 days after the act's effective date, the Attorney General must provide a copy of the advisory to each daily newspaper published in the state and each television station that broadcasts in the state. The Attorney General may provide the advisory in a tangible form, an electronic form, or both tangible and electronic forms.²⁵

²³ R.C. 2953.33(B).

²⁴ R.C. 2953.35.

²⁵ R.C. 2923.16(H)(2)(b).

Definitions

As used in the act's expungement provisions:

"Expunge" means to destroy, delete, and erase a record as appropriate for the record's physical or electronic form or characteristic so that the record is permanently irretrievable.²⁶

"Official records" means all records that are possessed by any public office or agency that relate to a criminal case, including, but not limited to: the notation to the case in the criminal docket; all subpoenas issued in the case; all papers and documents filed by the defendant or the prosecutor in the case; all records of all testimony and evidence presented in all proceedings in the case; all court files, papers, documents, folders, entries, affidavits, or writs that pertain to the case; all computer, microfilm, microfiche, or microdot records, indices, or references to the case; all index references to the case; all fingerprints and photographs; all records and investigative reports pertaining to the case that are possessed by any law enforcement officer or agency, except that any records or reports that are the specific investigatory work product of a law enforcement officer or agency are not and cannot be considered to be official records when they are in the possession of that officer or agency; and all investigative records and reports other than those possessed by a law enforcement officer or agency pertaining to the case. "Official records" does not include records or reports maintained pursuant to the statute governing the reporting of child abuse or neglect by a public children services agency or the Department of Job and Family Services.²⁷

Background

Firearm in liquor permit premises – other exemptions

Continuing law, unchanged by the act, provides several other exemptions from the statute prohibiting the possession of firearms in a premises for which a D liquor permit has been issued. Of interest to the act, two of the exemptions specify that the statute does not do either of the following:²⁸

(1) Apply to an officer, agent, or employee of Ohio or any other state or the United States, or to a law enforcement officer, who is authorized to carry firearms and is acting within the scope of the officer's, agent's, or employee's duties, or apply to any person employed in Ohio who is authorized to carry firearms and who is subject to and

²⁶ R.C. 2953.37.

²⁷ R.C. 2953.37, by reference to R.C. 2953.51, not in the act.

²⁸ R.C. 2923.121(B)(1)(a) to (d), (B)(2), and (B)(3).

in compliance with the firearms requalification requirements in continuing law unless the appointing authority of the person has expressly specified that this exemption does not apply to the person; or

(2) Apply to the principal holder of a D permit issued for a premises or an open air arena under the Liquor Permits Law while in the premises or open air arena for which the permit was issued if the principal holder also possesses a valid concealed carry license and as long as the principal holder is not consuming liquor (beer or intoxicating liquor under the act) or under the influence of alcohol or a drug of abuse or any agent or employee of that holder who also is a peace officer, who is off duty, and who otherwise is authorized to carry firearms while in the course of the officer's official duties and while in the premises or open air arena for which the permit was issued and as long as the agent or employee of that holder is not consuming liquor (beer or intoxicating liquor under the act) or under the influence of alcohol or a drug of abuse.

Firearm restrictions established by property owner or lessee

Continuing law, unchanged by the act, provides that nothing in the law that specifies the authority of concealed carry licensees to carry a concealed handgun negates or restricts a rule, policy, or practice of a private employer that is not a private college, university, or other institution of higher education concerning or prohibiting the presence of firearms on the private employer's premises or property (including D permit premises), including motor vehicles owned by the private employer, and that nothing in that law requires a private employer of that nature to adopt a rule, policy, or practice concerning or prohibiting the presence of firearms on the private employer's premises or property, including motor vehicles owned by the private employer.

Continuing law, unchanged by the act, also provides that, subject to an exception that applies in certain residential landlord-tenant circumstances, the owner or person in control of private land or premises, and a private person or entity leasing land or premises owned by Ohio, the United States, or a political subdivision of Ohio or the United States, may post a sign in a conspicuous location on that land or on those premises prohibiting persons from carrying firearms or concealed firearms on or onto that land or those premises. Except as described below, a person who knowingly violates a posted prohibition of that nature is guilty of criminal trespass and is guilty of a fourth degree misdemeanor. If a person knowingly violates a posted prohibition of that nature and the posted land or premises primarily was a parking lot or other parking facility, the person is not guilty of criminal trespass and instead is subject only

to a civil cause of action for trespass based on the violation.²⁹ This provision probably applies to the operator of premises for which a D permit has been issued.

Using weapons while intoxicated

Continuing law, unchanged by the act, prohibits a person, while under the influence of alcohol or any drug of abuse, from carrying or using any firearm or dangerous ordnance. A violation of the prohibition is the offense of using weapons while intoxicated, a first degree misdemeanor.³⁰

Improperly handling firearms in a motor vehicle – alcohol or drug-related prohibition, exemptions, and affirmative defenses

In addition to the prohibitions previously described, another prohibition under the offense of improperly handling firearms in a motor vehicle could be relevant to the act. It prohibits any person, including a concealed carry licensee, from knowingly transporting or having a loaded handgun in a motor vehicle if, at the time of that transportation or possession, either of the following applies: (1) the person is under the influence of alcohol, a drug of abuse, or a combination of them, or (2) the person's whole blood, blood serum or plasma, breath, or urine contains a prohibited concentration of alcohol, a listed controlled substance, or a listed metabolite of a controlled substance prohibited for persons operating a vehicle, as specified under the offense of state OVI, regardless of whether the person at the time of the transportation or possession is the operator of or a passenger in the motor vehicle.³¹

Continuing law, of interest to and unchanged by the act, provides that the transporting prohibitions under the offense of improperly handling firearms in a motor vehicle do not apply in specified circumstances to:³² (1) certain government personnel and law enforcement officers, (2) generally, any person employed in Ohio who is authorized to carry or have loaded firearms in motor vehicles and is in compliance with specified firearms requalification requirements, or (3) a person transporting the firearm on property owned by the person or a related person or a person who possesses a firearm in a vehicle during the open hunting season for a wild quadruped or game bird. Continuing law provides several affirmative defenses to the prohibitions described

²⁹ R.C. 2923.126(C)(1) and (3), not in the act.

³⁰ R.C. 2923.15, not in the act.

³¹ R.C. 2923.16(A) and (D).

³² R.C. 2923.16(F)(1), (4), and (6).

above in "**Knowingly transporting a firearm in a motor vehicle by a concealed carry licensee.**"³³

Concealed carry licensees – prohibited places

Continuing law provides that a concealed carry licensee generally may carry a concealed handgun anywhere in Ohio if the licensee carries his or her valid license and valid identification when in actual possession of a concealed handgun.³⁴ But continuing law also specifies that a valid license does not authorize a concealed carry licensee to carry a concealed handgun into any of a list of specified places. The specified places from which concealed carry is barred for licensees include a few that could be relevant to a licensee's carrying of a firearm in a vehicle and, thus, could be relevant to the exception modified by the act. Those specified places are:

(1) A school safety zone if the licensee carrying the concealed handgun is in violation of the statute prohibiting the knowing conveyance into or possession in a school safety zone of a deadly weapon or dangerous ordnance;

(2) An open air arena with a D liquor permit if the licensee's carrying the concealed handgun is in violation of the statute prohibiting the possession of firearms in a premises for which such a permit has been issued;

(3) Premises owned or leased by any public or private college, university, or other institution of higher education unless the handgun is in a locked motor vehicle or the licensee is in the immediate process of placing the handgun in a locked motor vehicle; and

(4) A place in which federal law prohibits the carrying of handguns.

Other specified places from which concealed carry is barred for licensees are: specified law enforcement offices, correctional facilities, and airport facilities; courthouses and other court facilities; premises for which a D liquor permit has been issued if the licensee carrying the concealed handgun is in violation of the statute prohibiting the possession of firearms in a premises for which such a permit has been issued; a place of worship unless it posts or permits otherwise; generally, a day-care facility; generally, an aircraft; and a government building of Ohio or an Ohio political

³³ R.C. 2923.16(G).

³⁴ R.C. 2923.126(A).

subdivision that is not used primarily as a shelter, restroom, parking facility for motor vehicles, or rest facility and is not a courthouse or other court facility.³⁵

HISTORY

ACTION	DATE
Introduced	02-01-11
Reported, S. Judiciary – Criminal Justice	04-13-11
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Reported, H. State Government & Elections	06-15-11
Passed House (56-39)	06-15-11
Senate concurred in House amendments (25-7)	06-15-11

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³⁵ R.C. 2923.126(B).

