



Ohio Legislative Service Commission

Bill Analysis

Lisa Sandberg

S.B. 338

130th General Assembly
(As Introduced)

Sens. Uecker, Obhof

BILL SUMMARY

Eligibility for a concealed handgun license

- Eliminates the requirement that an applicant be a resident of Ohio for at least 45 days and a resident of the county in which the applicant seeks the concealed handgun license, or a county adjacent to that county, for at least 30 days in order to receive or renew a concealed handgun license.
- Permits a person who does not reside in Ohio to receive or renew a concealed handgun license if the person is employed in Ohio and provides adequate proof of that employment.
- Allows a person who usually resides in another state to apply for a temporary emergency concealed handgun license in the county in which the person is temporarily staying.
- Reduces the minimum hours requirements for a firearms competency certification course from 12 to eight.
- Expands a provision of law that exempts a former military member from the competency certification requirement for a concealed handgun license.
- Exempts from the competency certification requirement any applicant who has successfully completed either the Ohio Peace Officer Training Program or the annual firearms requalification training program provided for in Ohio law.
- Specifies that an applicant is ineligible for a concealed handgun license if the applicant's out-of-state concealed handgun license is suspended for reasons similar to the reasons that trigger a license suspension in Ohio.

Concealed handgun license application forms

- Repeals the statutory application form and instead requires the Attorney General to prescribe and make available to sheriffs the concealed handgun license application form.
- Requires the Attorney General to make printable, downloadable versions of the application forms to receive a concealed handgun license or a temporary emergency concealed handgun license or renew a concealed handgun license available online.
- Requires the Attorney General to post a printable version of the application forms on the Attorney General's website and provide the address of the website to any person who requests the form.

Having weapons under disability

- Provides that unless relieved from disability under operation of law or legal process, a person is prohibited from knowingly acquiring, having, carrying, or using any firearm or dangerous ordnance under certain circumstances.

Armed Attorney General investigators

- Authorizes the Attorney General's investigators to be armed in the same manner as sheriffs and police officers while they conduct certain investigations.

Renewal grace period for certain service members

- Establishes a six-month concealed handgun license renewal grace period for individuals who are on active duty in the armed forces or in service with the Peace Corps, the Volunteers in Service to America, or the foreign service of the United States, or is the spouse or dependent of such a person.

Posting sign prohibiting persons from carrying firearms or concealed firearms

- Eliminates the authority for a lessor of government land or premises to ban firearms or concealed firearms from the land or premises.
- Modifies the sanction for violating such a ban on private land or premises posted by the owner of the private land or premises.



CONTENT AND OPERATION

Eligibility for a concealed handgun license

The bill makes several changes to the eligibility requirements to receive or renew a concealed handgun license, and makes corresponding changes to the relevant application forms.

Residency

The bill eliminates the requirement that a person be a resident of Ohio in order to receive or renew a concealed handgun license, and instead requires that the person, if not a resident of Ohio, be employed in Ohio. Under the bill, an out of state applicant may apply to the sheriff of the county in which the applicant is employed, or to the sheriff of any adjacent county, and must provide adequate proof of Ohio employment.¹ The bill also requires a nonresident licensee to submit a renewal application to the sheriff of the county that issued the original concealed handgun license.² The bill allows a person who usually resides in another state to apply for a temporary concealed handgun license in the county in which the person is temporarily staying.³

The bill requires an out-of-state applicant to pay the continuing fee that applies to applicants or licensees who have lived in Ohio for less than five years. That fee is \$67 for a new license, \$15 for a temporary emergency license, or \$50 for a renewal, plus the actual cost of a background check. The fees are the same for an applicant or licensee who has lived in Ohio for five years or more, but except for a temporary emergency license, such a person is not required to pay the cost of a background check.⁴

The bill also eliminates, for an Ohio resident, a requirement that the person have resided in Ohio for 45 days and in the county in which the person seeks the license, or an adjacent county, for at least 30 days before receiving a license.⁵

Competency certification

The bill alters the requirements for the firearms competency certification that an applicant for a concealed handgun license generally must obtain. The bill eliminates the

¹ R.C. 2923.125(B).

² R.C. 2923.125(D)(4) and (F)(1) and (4).

³ R.C. 2923.1213(B).

⁴ R.C. 2923.125(B)(1)(a) and (F)(4); 2923.1210; and 2923.1213.

⁵ R.C. 2923.125(D)(1)(a) and (4).



requirement that such a course include two hours devoted to range time and live-fire training and reduces the minimum hours for a training course from 12 to eight.

Under continuing law, the competency certification course must include training on the safe handling and storage of a handgun and ammunition, shooting a handgun in a safe manner, and range time and live-fire training.⁶

The bill also expands a provision of law that exempts a former military member from the competency certification requirement to receive a concealed handgun license. Current law allows an active or reserve member of the U.S. armed forces or a former member of the U.S. armed forces who has retired or been honorably discharged within the past six years to be exempted by showing that the person received equivalent firearms training during that service. The bill removes the requirement that such a former member have retired or been discharged within the past six years. The bill also requires a former military member who applies under this exemption to provide a document that evidences that the person has retired from the military.

The bill also exempts, from the competency certification requirement, any applicant who has successfully completed either the Ohio Peace Officer Training Program or the annual firearms requalification training program provided for in Ohio law.⁷ Current law exempts only certain retired peace officers and applicants for a temporary emergency concealed handgun license from the competency certification requirement.⁸

License suspensions

The bill specifies that an applicant is ineligible for a concealed handgun license if the applicant's out-of-state concealed handgun license is suspended for reasons similar to the reasons that trigger a license suspension in Ohio.⁹

Concealed handgun license application forms

The bill repeals the statutory application form and instead requires the Attorney General to prescribe and make available to sheriffs the application form that is to be used by a person who is applying for a concealed handgun license or a temporary emergency concealed handgun license, as well as an application form for a license renewal. The Attorney General must design the form to enable applicants to provide the

⁶ R.C. 2923.125(G).

⁷ R.C. 2923.125(B)(3)(g).

⁸ R.C. 2923.125(B)(3).

⁹ R.C. 2923.125(D)(1)(m), repeal of R.C. 2923.1210, and R.C. 2923.1213(B)(1)(b).



information that is required by law to be collected, and must update the form as necessary. The bill prohibits the Attorney General from incorporating into the form burdens or restrictions that are not expressly prescribed in law.¹⁰

Under the bill, the Attorney General must make printable, downloadable versions of the application forms to receive a concealed handgun license or a temporary emergency concealed handgun license or renew a concealed handgun license available online at the website address at which the Attorney General's pamphlet about firearms laws is available. Continuing law requires a sheriff to provide a prospective applicant with that website address and a free application form.¹¹ The bill also requires the Attorney General to post a printable version of the form on the Attorney General's website and provide the address of the website to any person who requests the form.¹²

Having weapons under disability

The bill provides that unless relieved from disability *under operation of law or legal process* (instead of as provided under the law regarding relief from weapons disability), a person is prohibited from knowingly acquiring, having, carrying, or using any firearm or dangerous ordnance under certain circumstances.¹³

Armed Attorney General investigators

The bill authorizes the Attorney General's investigators to be armed in the same manner as sheriffs and police officers while they conduct certain investigations. Specifically, under the bill, those investigators may be armed while they investigate civil or criminal offenses related to the Medicaid program, nursing homes, and residential care facilities, and instances of abuse or neglect in care facilities.¹⁴

Renewal grace period for certain service members

The bill exempts an individual from the requirement to renew a concealed handgun license if the individual is on active duty in the armed forces or in service with the Peace Corps, the Volunteers in Service to America, or the foreign service of the United States for the time of duty and six months thereafter. The bill specifies that the exemption applies to a person who was a concealed handgun licensee at the time the

¹⁰ R.C. 109.731(A).

¹¹ R.C. 2923.125(A) and (I).

¹² R.C. 109.73(A) and 2923.1213.

¹³ R.C. 2923.13(A).

¹⁴ R.C. 109.85 and 109.86.



person commenced the person's active duty or service or had obtained a license while on active duty or service. Similarly, the bill exempts the spouse or dependent of such an individual.¹⁵

Posting sign prohibiting persons from carrying firearms or concealed firearms

The bill eliminates the authority of a private person or entity leasing land or premises owned by the state, the United States, or a political subdivision of the state or the United States to 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. Continuing law permits the owner or person in control of private land or premises to post such a sign.¹⁶

Under the bill, if a person knowingly violates a posted prohibition and the posted land or premises primarily was a parking lot or other parking facility, the person is not guilty of criminal trespass under R.C. 2911.21 (instead of in violation of the prohibition against being on the land or premises of another, negligently failing or refusing to leave upon being notified by signage posted in a conspicuous place or otherwise being notified to do so by the owner or occupant, or the agent or servant of either as provided in current law) or under any other criminal law of this state or criminal law, ordinance, or resolution of a political subdivision of this state.¹⁷

Technical corrections

The bill removes an incorrect cross reference from the definition of a concealed handgun license fee or renewal fee and corrects division labels in the Revised Code section that describes certain duties of the Ohio Peace Officer Training Commission, and correspondingly corrects references to those divisions.¹⁸

HISTORY

ACTION	DATE
Introduced	05-12-14

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¹⁵ R.C. 2923.125(F)(1)(b).

¹⁶ R.C. 2923.126(C)(3)(a).

¹⁷ R.C. 2923.126(C)(3)(a).

¹⁸ R.C. 109.731(A)(2), 2923.124, and 2923.1213.

