

As Introduced

132nd General Assembly

Regular Session

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S. B. No. 278

Senators Schiavoni, Williams

Cosponsors: Senators Thomas, Skindell, Yuko, Brown, Tavares

A BILL

To amend sections 109.57, 2923.125, 2923.128, and 1
2923.13 and to enact sections 2923.26, 2923.27, 2
2923.28, 2923.29, 2923.30, and 2923.99 of the 3
Revised Code to enact the Extreme Risk 4
Protection Order Act to allow family members, 5
household members, and law enforcement officers 6
to obtain a court order that temporarily 7
restricts a person's access to firearms if that 8
person poses a danger to themselves or others. 9

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That sections 109.57, 2923.125, 2923.128, and 10
2923.13 be amended and sections 2923.26, 2923.27, 2923.28, 11
2923.29, 2923.30, and 2923.99 of the Revised Code be enacted to 12
read as follows: 13

Sec. 109.57. (A) (1) The superintendent of the bureau of 14
criminal identification and investigation shall procure from 15
wherever procurable and file for record photographs, pictures, 16
descriptions, fingerprints, measurements, and other information 17
that may be pertinent of all persons who have been convicted of 18

committing within this state a felony, any crime constituting a 19
misdemeanor on the first offense and a felony on subsequent 20
offenses, or any misdemeanor described in division (A) (1) (a), 21
(A) (5) (a), or (A) (7) (a) of section 109.572 of the Revised Code, 22
of all children under eighteen years of age who have been 23
adjudicated delinquent children for committing within this state 24
an act that would be a felony or an offense of violence if 25
committed by an adult or who have been convicted of or pleaded 26
guilty to committing within this state a felony or an offense of 27
violence, and of all well-known and habitual criminals. The 28
person in charge of any county, multicounty, municipal, 29
municipal-county, or multicounty-municipal jail or workhouse, 30
community-based correctional facility, halfway house, 31
alternative residential facility, or state correctional 32
institution and the person in charge of any state institution 33
having custody of a person suspected of having committed a 34
felony, any crime constituting a misdemeanor on the first 35
offense and a felony on subsequent offenses, or any misdemeanor 36
described in division (A) (1) (a), (A) (5) (a), or (A) (7) (a) of 37
section 109.572 of the Revised Code or having custody of a child 38
under eighteen years of age with respect to whom there is 39
probable cause to believe that the child may have committed an 40
act that would be a felony or an offense of violence if 41
committed by an adult shall furnish such material to the 42
superintendent of the bureau. Fingerprints, photographs, or 43
other descriptive information of a child who is under eighteen 44
years of age, has not been arrested or otherwise taken into 45
custody for committing an act that would be a felony or an 46
offense of violence who is not in any other category of child 47
specified in this division, if committed by an adult, has not 48
been adjudicated a delinquent child for committing an act that 49
would be a felony or an offense of violence if committed by an 50

adult, has not been convicted of or pleaded guilty to committing 51
a felony or an offense of violence, and is not a child with 52
respect to whom there is probable cause to believe that the 53
child may have committed an act that would be a felony or an 54
offense of violence if committed by an adult shall not be 55
procured by the superintendent or furnished by any person in 56
charge of any county, multicounty, municipal, municipal-county, 57
or multicounty-municipal jail or workhouse, community-based 58
correctional facility, halfway house, alternative residential 59
facility, or state correctional institution, except as 60
authorized in section 2151.313 of the Revised Code. 61

(2) Every clerk of a court of record in this state, other 62
than the supreme court or a court of appeals, shall send to the 63
superintendent of the bureau a weekly report containing a 64
summary of each case involving a felony, involving any crime 65
constituting a misdemeanor on the first offense and a felony on 66
subsequent offenses, involving a misdemeanor described in 67
division (A) (1) (a), (A) (5) (a), or (A) (7) (a) of section 109.572 68
of the Revised Code, or involving an adjudication in a case in 69
which a child under eighteen years of age was alleged to be a 70
delinquent child for committing an act that would be a felony or 71
an offense of violence if committed by an adult. The clerk of 72
the court of common pleas shall include in the report and 73
summary the clerk sends under this division all information 74
described in divisions (A) (2) (a) to (f) of this section 75
regarding a case before the court of appeals that is served by 76
that clerk. The summary shall be written on the standard forms 77
furnished by the superintendent pursuant to division (B) of this 78
section and shall include the following information: 79

(a) The incident tracking number contained on the standard 80
forms furnished by the superintendent pursuant to division (B) 81

of this section;	82
(b) The style and number of the case;	83
(c) The date of arrest, offense, summons, or arraignment;	84
(d) The date that the person was convicted of or pleaded	85
guilty to the offense, adjudicated a delinquent child for	86
committing the act that would be a felony or an offense of	87
violence if committed by an adult, found not guilty of the	88
offense, or found not to be a delinquent child for committing an	89
act that would be a felony or an offense of violence if	90
committed by an adult, the date of an entry dismissing the	91
charge, an entry declaring a mistrial of the offense in which	92
the person is discharged, an entry finding that the person or	93
child is not competent to stand trial, or an entry of a nolle	94
prosequi, or the date of any other determination that	95
constitutes final resolution of the case;	96
(e) A statement of the original charge with the section of	97
the Revised Code that was alleged to be violated;	98
(f) If the person or child was convicted, pleaded guilty,	99
or was adjudicated a delinquent child, the sentence or terms of	100
probation imposed or any other disposition of the offender or	101
the delinquent child.	102
If the offense involved the disarming of a law enforcement	103
officer or an attempt to disarm a law enforcement officer, the	104
clerk shall clearly state that fact in the summary, and the	105
superintendent shall ensure that a clear statement of that fact	106
is placed in the bureau's records.	107
(3) The superintendent shall cooperate with and assist	108
sheriffs, chiefs of police, and other law enforcement officers	109
in the establishment of a complete system of criminal	110

identification and in obtaining fingerprints and other means of 111
identification of all persons arrested on a charge of a felony, 112
any crime constituting a misdemeanor on the first offense and a 113
felony on subsequent offenses, or a misdemeanor described in 114
division (A) (1) (a), (A) (5) (a), or (A) (7) (a) of section 109.572 115
of the Revised Code and of all children under eighteen years of 116
age arrested or otherwise taken into custody for committing an 117
act that would be a felony or an offense of violence if 118
committed by an adult. The superintendent also shall file for 119
record the fingerprint impressions of all persons confined in a 120
county, multicounty, municipal, municipal-county, or 121
multicounty-municipal jail or workhouse, community-based 122
correctional facility, halfway house, alternative residential 123
facility, or state correctional institution for the violation of 124
state laws and of all children under eighteen years of age who 125
are confined in a county, multicounty, municipal, municipal- 126
county, or multicounty-municipal jail or workhouse, community- 127
based correctional facility, halfway house, alternative 128
residential facility, or state correctional institution or in 129
any facility for delinquent children for committing an act that 130
would be a felony or an offense of violence if committed by an 131
adult, and any other information that the superintendent may 132
receive from law enforcement officials of the state and its 133
political subdivisions. 134

(4) The superintendent shall carry out Chapter 2950. of 135
the Revised Code with respect to the registration of persons who 136
are convicted of or plead guilty to a sexually oriented offense 137
or a child-victim oriented offense and with respect to all other 138
duties imposed on the bureau under that chapter. 139

(5) The bureau shall perform centralized recordkeeping 140
functions for criminal history records and services in this 141

state for purposes of the national crime prevention and privacy compact set forth in section 109.571 of the Revised Code and is the criminal history record repository as defined in that section for purposes of that compact. The superintendent or the superintendent's designee is the compact officer for purposes of that compact and shall carry out the responsibilities of the compact officer specified in that compact.

(6) The superintendent shall, upon request, assist a county coroner in the identification of a deceased person through the use of fingerprint impressions obtained pursuant to division (A)(1) of this section or collected pursuant to section 109.572 or 311.41 of the Revised Code.

(B) The superintendent shall prepare and furnish to every county, multicounty, municipal, municipal-county, or multicounty-municipal jail or workhouse, community-based correctional facility, halfway house, alternative residential facility, or state correctional institution and to every clerk of a court in this state specified in division (A)(2) of this section standard forms for reporting the information required under division (A) of this section. The standard forms that the superintendent prepares pursuant to this division may be in a tangible format, in an electronic format, or in both tangible formats and electronic formats.

(C)(1) The superintendent may operate a center for electronic, automated, or other data processing for the storage and retrieval of information, data, and statistics pertaining to criminals and to children under eighteen years of age who are adjudicated delinquent children for committing an act that would be a felony or an offense of violence if committed by an adult, criminal activity, crime prevention, law enforcement, and

criminal justice, and may establish and operate a statewide 172
communications network to be known as the Ohio law enforcement 173
gateway to gather and disseminate information, data, and 174
statistics for the use of law enforcement agencies and for other 175
uses specified in this division. The superintendent may gather, 176
store, retrieve, and disseminate information, data, and 177
statistics that pertain to children who are under eighteen years 178
of age and that are gathered pursuant to sections 109.57 to 179
109.61 of the Revised Code together with information, data, and 180
statistics that pertain to adults and that are gathered pursuant 181
to those sections. 182

(2) The superintendent or the superintendent's designee 183
shall gather information of the nature described in division (C) 184
(1) of this section that pertains to the offense and delinquency 185
history of a person who has been convicted of, pleaded guilty 186
to, or been adjudicated a delinquent child for committing a 187
sexually oriented offense or a child-victim oriented offense for 188
inclusion in the state registry of sex offenders and child- 189
victim offenders maintained pursuant to division (A) (1) of 190
section 2950.13 of the Revised Code and in the internet database 191
operated pursuant to division (A) (13) of that section and for 192
possible inclusion in the internet database operated pursuant to 193
division (A) (11) of that section. 194

(3) In addition to any other authorized use of 195
information, data, and statistics of the nature described in 196
division (C) (1) of this section, the superintendent or the 197
superintendent's designee may provide and exchange the 198
information, data, and statistics pursuant to the national crime 199
prevention and privacy compact as described in division (A) (5) 200
of this section. 201

(4) The Ohio law enforcement gateway shall contain the name, confidential address, and telephone number of program participants in the address confidentiality program established under sections 111.41 to 111.47 of the Revised Code.

(5) The attorney general may adopt rules under Chapter 119. of the Revised Code establishing guidelines for the operation of and participation in the Ohio law enforcement gateway. The rules may include criteria for granting and restricting access to information gathered and disseminated through the Ohio law enforcement gateway. The attorney general shall adopt rules under Chapter 119. of the Revised Code that grant access to information in the gateway regarding an address confidentiality program participant under sections 111.41 to 111.47 of the Revised Code to only chiefs of police, village marshals, county sheriffs, county prosecuting attorneys, and a designee of each of these individuals. The attorney general shall permit the state medical board and board of nursing to access and view, but not alter, information gathered and disseminated through the Ohio law enforcement gateway.

The attorney general may appoint a steering committee to advise the attorney general in the operation of the Ohio law enforcement gateway that is comprised of persons who are representatives of the criminal justice agencies in this state that use the Ohio law enforcement gateway and is chaired by the superintendent or the superintendent's designee.

(D) (1) The following are not public records under section 149.43 of the Revised Code:

(a) Information and materials furnished to the superintendent pursuant to division (A) of this section;

(b) Information, data, and statistics gathered or	231
disseminated through the Ohio law enforcement gateway pursuant	232
to division (C) (1) of this section;	233
(c) Information and materials furnished to any board or	234
person under division (F) or (G) of this section.	235
(2) The superintendent or the superintendent's designee	236
shall gather and retain information so furnished under division	237
(A) of this section that pertains to the offense and delinquency	238
history of a person who has been convicted of, pleaded guilty	239
to, or been adjudicated a delinquent child for committing a	240
sexually oriented offense or a child-victim oriented offense for	241
the purposes described in division (C) (2) of this section.	242
(E) (1) The attorney general shall adopt rules, in	243
accordance with Chapter 119. of the Revised Code and subject to	244
division (E) (2) of this section, setting forth the procedure by	245
which a person may receive or release information gathered by	246
the superintendent pursuant to division (A) of this section. A	247
reasonable fee may be charged for this service. If a temporary	248
employment service submits a request for a determination of	249
whether a person the service plans to refer to an employment	250
position has been convicted of or pleaded guilty to an offense	251
listed or described in division (A) (1), (2), or (3) of section	252
109.572 of the Revised Code, the request shall be treated as a	253
single request and only one fee shall be charged.	254
(2) Except as otherwise provided in this division or	255
division (E) (3) or (4) of this section, a rule adopted under	256
division (E) (1) of this section may provide only for the release	257
of information gathered pursuant to division (A) of this section	258
that relates to the conviction of a person, or a person's plea	259
of guilty to, a criminal offense or to the arrest of a person as	260

provided in division (E) (3) of this section. The superintendent 261
shall not release, and the attorney general shall not adopt any 262
rule under division (E) (1) of this section that permits the 263
release of, any information gathered pursuant to division (A) of 264
this section that relates to an adjudication of a child as a 265
delinquent child, or that relates to a criminal conviction of a 266
person under eighteen years of age if the person's case was 267
transferred back to a juvenile court under division (B) (2) or 268
(3) of section 2152.121 of the Revised Code and the juvenile 269
court imposed a disposition or serious youthful offender 270
disposition upon the person under either division, unless either 271
of the following applies with respect to the adjudication or 272
conviction: 273

(a) The adjudication or conviction was for a violation of 274
section 2903.01 or 2903.02 of the Revised Code. 275

(b) The adjudication or conviction was for a sexually 276
oriented offense, the juvenile court was required to classify 277
the child a juvenile offender registrant for that offense under 278
section 2152.82, 2152.83, or 2152.86 of the Revised Code, that 279
classification has not been removed, and the records of the 280
adjudication or conviction have not been sealed or expunged 281
pursuant to sections 2151.355 to 2151.358 or sealed pursuant to 282
section 2952.32 of the Revised Code. 283

(3) A rule adopted under division (E) (1) of this section 284
may provide for the release of information gathered pursuant to 285
division (A) of this section that relates to the arrest of a 286
person who is eighteen years of age or older when the person has 287
not been convicted as a result of that arrest if any of the 288
following applies: 289

(a) The arrest was made outside of this state. 290

(b) A criminal action resulting from the arrest is 291
pending, and the superintendent confirms that the criminal 292
action has not been resolved at the time the criminal records 293
check is performed. 294

(c) The bureau cannot reasonably determine whether a 295
criminal action resulting from the arrest is pending, and not 296
more than one year has elapsed since the date of the arrest. 297

(4) A rule adopted under division (E) (1) of this section 298
may provide for the release of information gathered pursuant to 299
division (A) of this section that relates to an adjudication of 300
a child as a delinquent child if not more than five years have 301
elapsed since the date of the adjudication, the adjudication was 302
for an act that would have been a felony if committed by an 303
adult, the records of the adjudication have not been sealed or 304
expunged pursuant to sections 2151.355 to 2151.358 of the 305
Revised Code, and the request for information is made under 306
division (F) of this section or under section 109.572 of the 307
Revised Code. In the case of an adjudication for a violation of 308
the terms of community control or supervised release, the five- 309
year period shall be calculated from the date of the 310
adjudication to which the community control or supervised 311
release pertains. 312

(F) (1) As used in division (F) (2) of this section, "head 313
start agency" means an entity in this state that has been 314
approved to be an agency for purposes of subchapter II of the 315
"Community Economic Development Act," 95 Stat. 489 (1981), 42 316
U.S.C.A. 9831, as amended. 317

(2) (a) In addition to or in conjunction with any request 318
that is required to be made under section 109.572, 2151.86, 319
3301.32, 3301.541, division (C) of section 3310.58, or section 320

3319.39, 3319.391, 3327.10, 3701.881, 5104.013, 5123.081, or 321
5153.111 of the Revised Code or that is made under section 322
3314.41, 3319.392, 3326.25, or 3328.20 of the Revised Code, the 323
board of education of any school district; the director of 324
developmental disabilities; any county board of developmental 325
disabilities; any provider or subcontractor as defined in 326
section 5123.081 of the Revised Code; the chief administrator of 327
any chartered nonpublic school; the chief administrator of a 328
registered private provider that is not also a chartered 329
nonpublic school; the chief administrator of any home health 330
agency; the chief administrator of or person operating any child 331
day-care center, type A family day-care home, or type B family 332
day-care home licensed under Chapter 5104. of the Revised Code; 333
the chief administrator of any head start agency; the executive 334
director of a public children services agency; a private company 335
described in section 3314.41, 3319.392, 3326.25, or 3328.20 of 336
the Revised Code; or an employer described in division (J) (2) of 337
section 3327.10 of the Revised Code may request that the 338
superintendent of the bureau investigate and determine, with 339
respect to any individual who has applied for employment in any 340
position after October 2, 1989, or any individual wishing to 341
apply for employment with a board of education may request, with 342
regard to the individual, whether the bureau has any information 343
gathered under division (A) of this section that pertains to 344
that individual. On receipt of the request, subject to division 345
(E) (2) of this section, the superintendent shall determine 346
whether that information exists and, upon request of the person, 347
board, or entity requesting information, also shall request from 348
the federal bureau of investigation any criminal records it has 349
pertaining to that individual. The superintendent or the 350
superintendent's designee also may request criminal history 351
records from other states or the federal government pursuant to 352

the national crime prevention and privacy compact set forth in 353
section 109.571 of the Revised Code. Within thirty days of the 354
date that the superintendent receives a request, subject to 355
division (E) (2) of this section, the superintendent shall send 356
to the board, entity, or person a report of any information that 357
the superintendent determines exists, including information 358
contained in records that have been sealed under section 2953.32 359
of the Revised Code, and, within thirty days of its receipt, 360
subject to division (E) (2) of this section, shall send the 361
board, entity, or person a report of any information received 362
from the federal bureau of investigation, other than information 363
the dissemination of which is prohibited by federal law. 364

(b) When a board of education or a registered private 365
provider is required to receive information under this section 366
as a prerequisite to employment of an individual pursuant to 367
division (C) of section 3310.58 or section 3319.39 of the 368
Revised Code, it may accept a certified copy of records that 369
were issued by the bureau of criminal identification and 370
investigation and that are presented by an individual applying 371
for employment with the district in lieu of requesting that 372
information itself. In such a case, the board shall accept the 373
certified copy issued by the bureau in order to make a photocopy 374
of it for that individual's employment application documents and 375
shall return the certified copy to the individual. In a case of 376
that nature, a district or provider only shall accept a 377
certified copy of records of that nature within one year after 378
the date of their issuance by the bureau. 379

(c) Notwithstanding division (F) (2) (a) of this section, in 380
the case of a request under section 3319.39, 3319.391, or 381
3327.10 of the Revised Code only for criminal records maintained 382
by the federal bureau of investigation, the superintendent shall 383

not determine whether any information gathered under division 384
(A) of this section exists on the person for whom the request is 385
made. 386

(3) The state board of education may request, with respect 387
to any individual who has applied for employment after October 388
2, 1989, in any position with the state board or the department 389
of education, any information that a school district board of 390
education is authorized to request under division (F) (2) of this 391
section, and the superintendent of the bureau shall proceed as 392
if the request has been received from a school district board of 393
education under division (F) (2) of this section. 394

(4) When the superintendent of the bureau receives a 395
request for information under section 3319.291 of the Revised 396
Code, the superintendent shall proceed as if the request has 397
been received from a school district board of education and 398
shall comply with divisions (F) (2) (a) and (c) of this section. 399

(5) When a recipient of a classroom reading improvement 400
grant paid under section 3301.86 of the Revised Code requests, 401
with respect to any individual who applies to participate in 402
providing any program or service funded in whole or in part by 403
the grant, the information that a school district board of 404
education is authorized to request under division (F) (2) (a) of 405
this section, the superintendent of the bureau shall proceed as 406
if the request has been received from a school district board of 407
education under division (F) (2) (a) of this section. 408

(G) In addition to or in conjunction with any request that 409
is required to be made under section 3701.881, 3712.09, or 410
3721.121 of the Revised Code with respect to an individual who 411
has applied for employment in a position that involves providing 412
direct care to an older adult or adult resident, the chief 413

administrator of a home health agency, hospice care program, 414
home licensed under Chapter 3721. of the Revised Code, or adult 415
day-care program operated pursuant to rules adopted under 416
section 3721.04 of the Revised Code may request that the 417
superintendent of the bureau investigate and determine, with 418
respect to any individual who has applied after January 27, 419
1997, for employment in a position that does not involve 420
providing direct care to an older adult or adult resident, 421
whether the bureau has any information gathered under division 422
(A) of this section that pertains to that individual. 423

In addition to or in conjunction with any request that is 424
required to be made under section 173.27 of the Revised Code 425
with respect to an individual who has applied for employment in 426
a position that involves providing ombudsman services to 427
residents of long-term care facilities or recipients of 428
community-based long-term care services, the state long-term 429
care ombudsman, the director of aging, a regional long-term care 430
ombudsman program, or the designee of the ombudsman, director, 431
or program may request that the superintendent investigate and 432
determine, with respect to any individual who has applied for 433
employment in a position that does not involve providing such 434
ombudsman services, whether the bureau has any information 435
gathered under division (A) of this section that pertains to 436
that applicant. 437

In addition to or in conjunction with any request that is 438
required to be made under section 173.38 of the Revised Code 439
with respect to an individual who has applied for employment in 440
a direct-care position, the chief administrator of a provider, 441
as defined in section 173.39 of the Revised Code, may request 442
that the superintendent investigate and determine, with respect 443
to any individual who has applied for employment in a position 444

that is not a direct-care position, whether the bureau has any 445
information gathered under division (A) of this section that 446
pertains to that applicant. 447

In addition to or in conjunction with any request that is 448
required to be made under section 3712.09 of the Revised Code 449
with respect to an individual who has applied for employment in 450
a position that involves providing direct care to a pediatric 451
respite care patient, the chief administrator of a pediatric 452
respite care program may request that the superintendent of the 453
bureau investigate and determine, with respect to any individual 454
who has applied for employment in a position that does not 455
involve providing direct care to a pediatric respite care 456
patient, whether the bureau has any information gathered under 457
division (A) of this section that pertains to that individual. 458

On receipt of a request under this division, the 459
superintendent shall determine whether that information exists 460
and, on request of the individual requesting information, shall 461
also request from the federal bureau of investigation any 462
criminal records it has pertaining to the applicant. The 463
superintendent or the superintendent's designee also may request 464
criminal history records from other states or the federal 465
government pursuant to the national crime prevention and privacy 466
compact set forth in section 109.571 of the Revised Code. Within 467
thirty days of the date a request is received, subject to 468
division (E) (2) of this section, the superintendent shall send 469
to the requester a report of any information determined to 470
exist, including information contained in records that have been 471
sealed under section 2953.32 of the Revised Code, and, within 472
thirty days of its receipt, shall send the requester a report of 473
any information received from the federal bureau of 474
investigation, other than information the dissemination of which 475

is prohibited by federal law. 476

(H) Information obtained by a government entity or person 477
under this section is confidential and shall not be released or 478
disseminated. 479

(I) The superintendent may charge a reasonable fee for 480
providing information or criminal records under division (F) (2) 481
or (G) of this section. 482

(J) (1) The superintendent shall develop and prepare 483
instructions and informational brochures, standard petitions, 484
and extreme risk protection order forms, and a court staff 485
handbook on the extreme risk protection order process. The 486
standard petitions and order forms shall be prepared and 487
available for use not later than six months after the effective 488
date of this amendment, for all petitions filed and orders 489
issued under sections 2923.26 to 2923.30 of the Revised Code. 490
The instructions, brochures, forms, and handbook shall be 491
prepared in consultation with interested parties, including 492
representatives of gun violence prevention groups, judges, and 493
law enforcement personnel. Materials shall be based on best 494
practices and shall be made available online to the public. 495

(2) The instructions shall be designed to assist 496
petitioners in completing the petition, and shall include a 497
sample of a standard petition and extreme risk protection order 498
form. 499

(3) The instructions and standard petition shall include a 500
means for the petitioner to identify, without special knowledge, 501
the firearms the respondent may own, possess, receive, or have 502
in the respondent's custody or control. The instructions shall 503
provide pictures of types of firearms that the petitioner may 504

choose from to identify the relevant firearms, or an equivalent 505
means to allow petitioners to identify firearms without 506
requiring specific or technical knowledge regarding the 507
firearms. 508

(4) The informational brochure shall describe the use of 509
and the process for obtaining, modifying, and terminating an 510
extreme risk protection order under sections 2923.26 to 2923.30 511
of the Revised Code and provide relevant forms. 512

(5) The extreme risk protection order form shall include, 513
in a conspicuous location, notice of criminal penalties 514
resulting from a violation of the order, and the following 515
statement: 516

"You have the sole responsibility to avoid or refrain from 517
violating this order's provisions. Only the court can change the 518
order and only upon written application." 519

(6) The court staff handbook shall allow for a clerk of 520
court to add to the handbook a community resource list. 521

(7) The superintendent shall distribute a master copy of 522
the petition and order forms, instructions, and informational 523
brochures to every clerk of court and shall distribute a master 524
copy of the petition and order forms to all county courts, 525
municipal courts, and courts of common pleas. 526

(8) The superintendent shall distribute all documents in 527
an electronic format or formats accessible to all courts and 528
clerks of court in the state and may additionally distribute the 529
documents in other formats. 530

(9) The superintendent shall determine the significant 531
non-English-speaking or limited English-speaking populations in 532
the state and arrange for translation of the instructions and 533

informational brochures required by this section into the 534
languages spoken by those populations. The translated 535
instructions and informational brochures shall contain a sample 536
of the standard petition and order for protection forms. The 537
superintendent shall distribute a master copy of the translated 538
instructions and informational brochures to every clerk of court 539
not later than one year after the effective date of this 540
amendment. 541

(10) The superintendent shall update the instructions, 542
brochures, standard petitions and extreme risk protection order 543
forms, and court staff handbook as necessary, including when 544
changes in the law make an update necessary. 545

(11) Any assistance or information provided by a clerk of 546
court under division (J) of this section does not constitute the 547
practice of law. 548

(K) In addition to informational brochures and materials 549
made available by the superintendent under division (J) of this 550
section, each clerk of court may create a community resource 551
list of crisis intervention, mental health, substance abuse, 552
interpreter, counseling, and other relevant resources serving 553
the county in which the court is located. 554

(L) As used in this section: 555

(1) "Pediatric respite care program" and "pediatric care 556
patient" have the same meanings as in section 3712.01 of the 557
Revised Code. 558

(2) "Sexually oriented offense" and "child-victim oriented 559
offense" have the same meanings as in section 2950.01 of the 560
Revised Code. 561

(3) "Registered private provider" means a nonpublic school 562

or entity registered with the superintendent of public 563
instruction under section 3310.41 of the Revised Code to 564
participate in the autism scholarship program or section 3310.58 565
of the Revised Code to participate in the Jon Peterson special 566
needs scholarship program. 567

(4) "Extreme risk protection order" has the same meaning 568
as in section 2923.26 of the Revised Code. 569

Sec. 2923.125. It is the intent of the general assembly 570
that Ohio concealed handgun license law be compliant with the 571
national instant criminal background check system, that the 572
bureau of alcohol, tobacco, firearms, and explosives is able to 573
determine that Ohio law is compliant with the national instant 574
criminal background check system, and that no person shall be 575
eligible to receive a concealed handgun license permit under 576
section 2923.125 or 2923.1213 of the Revised Code unless the 577
person is eligible lawfully to receive or possess a firearm in 578
the United States. 579

(A) This section applies with respect to the application 580
for and issuance by this state of concealed handgun licenses 581
other than concealed handgun licenses on a temporary emergency 582
basis that are issued under section 2923.1213 of the Revised 583
Code. Upon the request of a person who wishes to obtain a 584
concealed handgun license with respect to which this section 585
applies or to renew a concealed handgun license with respect to 586
which this section applies, a sheriff, as provided in division 587
(I) of this section, shall provide to the person free of charge 588
an application form and the web site address at which a 589
printable version of the application form that can be downloaded 590
and the pamphlet described in division (B) of section 109.731 of 591
the Revised Code may be found. A sheriff shall accept a 592

completed application form and the fee, items, materials, and 593
information specified in divisions (B) (1) to (5) of this section 594
at the times and in the manners described in division (I) of 595
this section. 596

(B) An applicant for a concealed handgun license who is a 597
resident of this state shall submit a completed application form 598
and all of the material and information described in divisions 599
(B) (1) to (6) of this section to the sheriff of the county in 600
which the applicant resides or to the sheriff of any county 601
adjacent to the county in which the applicant resides. An 602
applicant for a license who resides in another state shall 603
submit a completed application form and all of the material and 604
information described in divisions (B) (1) to (7) of this section 605
to the sheriff of the county in which the applicant is employed 606
or to the sheriff of any county adjacent to the county in which 607
the applicant is employed: 608

(1) (a) A nonrefundable license fee as described in either 609
of the following: 610

(i) For an applicant who has been a resident of this state 611
for five or more years, a fee of sixty-seven dollars; 612

(ii) For an applicant who has been a resident of this 613
state for less than five years or who is not a resident of this 614
state, but who is employed in this state, a fee of sixty-seven 615
dollars plus the actual cost of having a background check 616
performed by the federal bureau of investigation. 617

(b) No sheriff shall require an applicant to pay for the 618
cost of a background check performed by the bureau of criminal 619
identification and investigation. 620

(c) A sheriff shall waive the payment of the license fee 621

described in division (B) (1) (a) of this section in connection 622
with an initial or renewal application for a license that is 623
submitted by an applicant who is a retired peace officer, a 624
retired person described in division (B) (1) (b) of section 109.77 625
of the Revised Code, or a retired federal law enforcement 626
officer who, prior to retirement, was authorized under federal 627
law to carry a firearm in the course of duty, unless the retired 628
peace officer, person, or federal law enforcement officer 629
retired as the result of a mental disability. 630

(d) The sheriff shall deposit all fees paid by an 631
applicant under division (B) (1) (a) of this section into the 632
sheriff's concealed handgun license issuance fund established 633
pursuant to section 311.42 of the Revised Code. The county shall 634
distribute the fees in accordance with section 311.42 of the 635
Revised Code. 636

(2) A color photograph of the applicant that was taken 637
within thirty days prior to the date of the application; 638

(3) One or more of the following competency 639
certifications, each of which shall reflect that, regarding a 640
certification described in division (B) (3) (a), (b), (c), (e), or 641
(f) of this section, within the three years immediately 642
preceding the application the applicant has performed that to 643
which the competency certification relates and that, regarding a 644
certification described in division (B) (3) (d) of this section, 645
the applicant currently is an active or reserve member of the 646
armed forces of the United States or within the ten years 647
immediately preceding the application the honorable discharge or 648
retirement to which the competency certification relates 649
occurred: 650

(a) An original or photocopy of a certificate of 651

completion of a firearms safety, training, or requalification or 652
firearms safety instructor course, class, or program that was 653
offered by or under the auspices of a national gun advocacy 654
organization and that complies with the requirements set forth 655
in division (G) of this section; 656

(b) An original or photocopy of a certificate of 657
completion of a firearms safety, training, or requalification or 658
firearms safety instructor course, class, or program that 659
satisfies all of the following criteria: 660

(i) It was open to members of the general public. 661

(ii) It utilized qualified instructors who were certified 662
by a national gun advocacy organization, the executive director 663
of the Ohio peace officer training commission pursuant to 664
section 109.75 or 109.78 of the Revised Code, or a governmental 665
official or entity of another state. 666

(iii) It was offered by or under the auspices of a law 667
enforcement agency of this or another state or the United 668
States, a public or private college, university, or other 669
similar postsecondary educational institution located in this or 670
another state, a firearms training school located in this or 671
another state, or another type of public or private entity or 672
organization located in this or another state. 673

(iv) It complies with the requirements set forth in 674
division (G) of this section. 675

(c) An original or photocopy of a certificate of 676
completion of a state, county, municipal, or department of 677
natural resources peace officer training school that is approved 678
by the executive director of the Ohio peace officer training 679
commission pursuant to section 109.75 of the Revised Code and 680

that complies with the requirements set forth in division (G) of 681
this section, or the applicant has satisfactorily completed and 682
been issued a certificate of completion of a basic firearms 683
training program, a firearms requalification training program, 684
or another basic training program described in section 109.78 or 685
109.801 of the Revised Code that complies with the requirements 686
set forth in division (G) of this section; 687

(d) A document that evidences both of the following: 688

(i) That the applicant is an active or reserve member of 689
the armed forces of the United States, has retired from or was 690
honorably discharged from military service in the active or 691
reserve armed forces of the United States, is a retired trooper 692
of the state highway patrol, or is a retired peace officer or 693
federal law enforcement officer described in division (B) (1) of 694
this section or a retired person described in division (B) (1) (b) 695
of section 109.77 of the Revised Code and division (B) (1) of 696
this section; 697

(ii) That, through participation in the military service 698
or through the former employment described in division (B) (3) (d) 699
(i) of this section, the applicant acquired experience with 700
handling handguns or other firearms, and the experience so 701
acquired was equivalent to training that the applicant could 702
have acquired in a course, class, or program described in 703
division (B) (3) (a), (b), or (c) of this section. 704

(e) A certificate or another similar document that 705
evidences satisfactory completion of a firearms training, 706
safety, or requalification or firearms safety instructor course, 707
class, or program that is not otherwise described in division 708
(B) (3) (a), (b), (c), or (d) of this section, that was conducted 709
by an instructor who was certified by an official or entity of 710

the government of this or another state or the United States or 711
by a national gun advocacy organization, and that complies with 712
the requirements set forth in division (G) of this section; 713

(f) An affidavit that attests to the applicant's 714
satisfactory completion of a course, class, or program described 715
in division (B)(3)(a), (b), (c), or (e) of this section and that 716
is subscribed by the applicant's instructor or an authorized 717
representative of the entity that offered the course, class, or 718
program or under whose auspices the course, class, or program 719
was offered; 720

(g) A document that evidences that the applicant has 721
successfully completed the Ohio peace officer training program 722
described in section 109.79 of the Revised Code. 723

(4) A certification by the applicant that the applicant 724
has read the pamphlet prepared by the Ohio peace officer 725
training commission pursuant to section 109.731 of the Revised 726
Code that reviews firearms, dispute resolution, and use of 727
deadly force matters. 728

(5) A set of fingerprints of the applicant provided as 729
described in section 311.41 of the Revised Code through use of 730
an electronic fingerprint reading device or, if the sheriff to 731
whom the application is submitted does not possess and does not 732
have ready access to the use of such a reading device, on a 733
standard impression sheet prescribed pursuant to division (C)(2) 734
of section 109.572 of the Revised Code. 735

(6) If the applicant is not a citizen or national of the 736
United States, the name of the applicant's country of 737
citizenship and the applicant's alien registration number issued 738
by the United States citizenship and immigration services 739

agency. 740

(7) If the applicant resides in another state, adequate 741
proof of employment in Ohio. 742

(C) Upon receipt of the completed application form, 743
supporting documentation, and, if not waived, license fee of an 744
applicant under this section, a sheriff, in the manner specified 745
in section 311.41 of the Revised Code, shall conduct or cause to 746
be conducted the criminal records check and the incompetency 747
records check described in section 311.41 of the Revised Code. 748

(D) (1) Except as provided in division (D) (3) of this 749
section, within forty-five days after a sheriff's receipt of an 750
applicant's completed application form for a concealed handgun 751
license under this section, the supporting documentation, and, 752
if not waived, the license fee, the sheriff shall make available 753
through the law enforcement automated data system in accordance 754
with division (H) of this section the information described in 755
that division and, upon making the information available through 756
the system, shall issue to the applicant a concealed handgun 757
license that shall expire as described in division (D) (2) (a) of 758
this section if all of the following apply: 759

(a) The applicant is legally living in the United States. 760
For purposes of division (D) (1) (a) of this section, if a person 761
is absent from the United States in compliance with military or 762
naval orders as an active or reserve member of the armed forces 763
of the United States and if prior to leaving the United States 764
the person was legally living in the United States, the person, 765
solely by reason of that absence, shall not be considered to 766
have lost the person's status as living in the United States. 767

(b) The applicant is at least twenty-one years of age. 768

(c) The applicant is not a fugitive from justice.	769
(d) The applicant is not under indictment for or otherwise charged with a felony; an offense under Chapter 2925., 3719., or 4729. of the Revised Code that involves the illegal possession, use, sale, administration, or distribution of or trafficking in a drug of abuse; a misdemeanor offense of violence; or a violation of section 2903.14 or 2923.1211 of the Revised Code.	770 771 772 773 774 775
(e) Except as otherwise provided in division (D) (4) or (5) of this section, the applicant has not been convicted of or pleaded guilty to a felony or an offense under Chapter 2925., 3719., or 4729. of the Revised Code that involves the illegal possession, use, sale, administration, or distribution of or trafficking in a drug of abuse; has not been adjudicated a delinquent child for committing an act that if committed by an adult would be a felony or would be an offense under Chapter 2925., 3719., or 4729. of the Revised Code that involves the illegal possession, use, sale, administration, or distribution of or trafficking in a drug of abuse; has not been convicted of, pleaded guilty to, or adjudicated a delinquent child for committing a violation of section 2903.13 of the Revised Code when the victim of the violation is a peace officer, regardless of whether the applicant was sentenced under division (C) (4) of that section; and has not been convicted of, pleaded guilty to, or adjudicated a delinquent child for committing any other offense that is not previously described in this division that is a misdemeanor punishable by imprisonment for a term exceeding one year.	776 777 778 779 780 781 782 783 784 785 786 787 788 789 790 791 792 793 794 795
(f) Except as otherwise provided in division (D) (4) or (5) of this section, the applicant, within three years of the date of the application, has not been convicted of or pleaded guilty	796 797 798

to a misdemeanor offense of violence other than a misdemeanor 799
violation of section 2921.33 of the Revised Code or a violation 800
of section 2903.13 of the Revised Code when the victim of the 801
violation is a peace officer, or a misdemeanor violation of 802
section 2923.1211 of the Revised Code; and has not been 803
adjudicated a delinquent child for committing an act that if 804
committed by an adult would be a misdemeanor offense of violence 805
other than a misdemeanor violation of section 2921.33 of the 806
Revised Code or a violation of section 2903.13 of the Revised 807
Code when the victim of the violation is a peace officer or for 808
committing an act that if committed by an adult would be a 809
misdemeanor violation of section 2923.1211 of the Revised Code. 810

(g) Except as otherwise provided in division (D)(1)(e) of 811
this section, the applicant, within five years of the date of 812
the application, has not been convicted of, pleaded guilty to, 813
or adjudicated a delinquent child for committing two or more 814
violations of section 2903.13 or 2903.14 of the Revised Code. 815

(h) Except as otherwise provided in division (D)(4) or (5) 816
of this section, the applicant, within ten years of the date of 817
the application, has not been convicted of, pleaded guilty to, 818
or adjudicated a delinquent child for committing a violation of 819
section 2921.33 of the Revised Code. 820

(i) The applicant has not been adjudicated as a mental 821
defective, has not been committed to any mental institution, is 822
not under adjudication of mental incompetence, has not been 823
found by a court to be a mentally ill person subject to court 824
order, and is not an involuntary patient other than one who is a 825
patient only for purposes of observation. As used in this 826
division, "mentally ill person subject to court order" and 827
"patient" have the same meanings as in section 5122.01 of the 828

Revised Code. 829

(j) The applicant is not currently subject to a civil 830
protection order, a temporary protection order, an extreme risk 831
protection order issued under sections 2923.26 to 2923.30 of the 832
Revised Code, or a protection order issued by a court of another 833
state. 834

(k) The applicant certifies that the applicant desires a 835
legal means to carry a concealed handgun for defense of the 836
applicant or a member of the applicant's family while engaged in 837
lawful activity. 838

(l) The applicant submits a competency certification of 839
the type described in division (B) (3) of this section and 840
submits a certification of the type described in division (B) (4) 841
of this section regarding the applicant's reading of the 842
pamphlet prepared by the Ohio peace officer training commission 843
pursuant to section 109.731 of the Revised Code. 844

(m) The applicant currently is not subject to a suspension 845
imposed under division (A) (2) of section 2923.128 of the Revised 846
Code of a concealed handgun license that previously was issued 847
to the applicant under this section or section 2923.1213 of the 848
Revised Code or a similar suspension imposed by another state 849
regarding a concealed handgun license issued by that state. 850

(n) If the applicant resides in another state, the 851
applicant is employed in this state. 852

(o) The applicant certifies that the applicant is not an 853
unlawful user of or addicted to any controlled substance as 854
defined in 21 U.S.C. 802. 855

(p) If the applicant is not a United States citizen, the 856
applicant is an alien and has not been admitted to the United 857

States under a nonimmigrant visa, as defined in the "Immigration and Nationality Act," 8 U.S.C. 1101(a)(26). 858
859

(q) The applicant has not been discharged from the armed forces of the United States under dishonorable conditions. 860
861

(r) The applicant certifies that the applicant has not renounced the applicant's United States citizenship, if applicable. 862
863
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(s) The applicant has not been convicted of, pleaded guilty to, or adjudicated a delinquent child for committing a violation of section 2919.25 of the Revised Code or a similar violation in another state. 865
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(2) (a) A concealed handgun license that a sheriff issues under division (D)(1) of this section shall expire five years after the date of issuance. 869
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If a sheriff issues a license under this section, the sheriff shall place on the license a unique combination of letters and numbers identifying the license in accordance with the procedure prescribed by the Ohio peace officer training commission pursuant to section 109.731 of the Revised Code. 872
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(b) If a sheriff denies an application under this section because the applicant does not satisfy the criteria described in division (D)(1) of this section, the sheriff shall specify the grounds for the denial in a written notice to the applicant. The applicant may appeal the denial pursuant to section 119.12 of the Revised Code in the county served by the sheriff who denied the application. If the denial was as a result of the criminal records check conducted pursuant to section 311.41 of the Revised Code and if, pursuant to section 2923.127 of the Revised Code, the applicant challenges the criminal records check 877
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results using the appropriate challenge and review procedure 887
specified in that section, the time for filing the appeal 888
pursuant to section 119.12 of the Revised Code and this division 889
is tolled during the pendency of the request or the challenge 890
and review. 891

(c) If the court in an appeal under section 119.12 of the 892
Revised Code and division (D) (2) (b) of this section enters a 893
judgment sustaining the sheriff's refusal to grant to the 894
applicant a concealed handgun license, the applicant may file a 895
new application beginning one year after the judgment is 896
entered. If the court enters a judgment in favor of the 897
applicant, that judgment shall not restrict the authority of a 898
sheriff to suspend or revoke the license pursuant to section 899
2923.128 or 2923.1213 of the Revised Code or to refuse to renew 900
the license for any proper cause that may occur after the date 901
the judgment is entered. In the appeal, the court shall have 902
full power to dispose of all costs. 903

(3) If the sheriff with whom an application for a 904
concealed handgun license was filed under this section becomes 905
aware that the applicant has been arrested for or otherwise 906
charged with an offense that would disqualify the applicant from 907
holding the license, the sheriff shall suspend the processing of 908
the application until the disposition of the case arising from 909
the arrest or charge. 910

(4) If an applicant has been convicted of or pleaded 911
guilty to an offense identified in division (D) (1) (e), (f), or 912
(h) of this section or has been adjudicated a delinquent child 913
for committing an act or violation identified in any of those 914
divisions, and if a court has ordered the sealing or expungement 915
of the records of that conviction, guilty plea, or adjudication 916

pursuant to sections 2151.355 to 2151.358, sections 2953.31 to 917
2953.36, or section 2953.37 of the Revised Code or the applicant 918
has been relieved under operation of law or legal process from 919
the disability imposed pursuant to section 2923.13 of the 920
Revised Code relative to that conviction, guilty plea, or 921
adjudication, the sheriff with whom the application was 922
submitted shall not consider the conviction, guilty plea, or 923
adjudication in making a determination under division (D)(1) or 924
(F) of this section or, in relation to an application for a 925
concealed handgun license on a temporary emergency basis 926
submitted under section 2923.1213 of the Revised Code, in making 927
a determination under division (B)(2) of that section. 928

(5) If an applicant has been convicted of or pleaded 929
guilty to a minor misdemeanor offense or has been adjudicated a 930
delinquent child for committing an act or violation that is a 931
minor misdemeanor offense, the sheriff with whom the application 932
was submitted shall not consider the conviction, guilty plea, or 933
adjudication in making a determination under division (D)(1) or 934
(F) of this section or, in relation to an application for a 935
concealed handgun license on a temporary basis submitted under 936
section 2923.1213 of the Revised Code, in making a determination 937
under division (B)(2) of that section. 938

(E) If a concealed handgun license issued under this 939
section is lost or is destroyed, the licensee may obtain from 940
the sheriff who issued that license a duplicate license upon the 941
payment of a fee of fifteen dollars and the submission of an 942
affidavit attesting to the loss or destruction of the license. 943
The sheriff, in accordance with the procedures prescribed in 944
section 109.731 of the Revised Code, shall place on the 945
replacement license a combination of identifying numbers 946
different from the combination on the license that is being 947

replaced. 948

(F) (1) (a) Except as provided in division (F) (1) (b) of this 949
section, a licensee who wishes to renew a concealed handgun 950
license issued under this section shall do so not earlier than 951
ninety days before the expiration date of the license or at any 952
time after the expiration date of the license by filing with the 953
sheriff of the county in which the applicant resides or with the 954
sheriff of an adjacent county, or in the case of ~~a~~an applicant 955
who resides in another state with the sheriff of the county that 956
issued the applicant's previous concealed handgun license an 957
application for renewal of the license obtained pursuant to 958
division (D) of this section, a certification by the applicant 959
that, subsequent to the issuance of the license, the applicant 960
has reread the pamphlet prepared by the Ohio peace officer 961
training commission pursuant to section 109.731 of the Revised 962
Code that reviews firearms, dispute resolution, and use of 963
deadly force matters, and a nonrefundable license renewal fee in 964
an amount determined pursuant to division (F) (4) of this section 965
unless the fee is waived. 966

(b) A person on active duty in the armed forces of the 967
United States or in service with the peace corps, volunteers in 968
service to America, or the foreign service of the United States 969
is exempt from the license requirements of this section for the 970
period of the person's active duty or service and for six months 971
thereafter, provided the person was a licensee under this 972
section at the time the person commenced the person's active 973
duty or service or had obtained a license while on active duty 974
or service. The spouse or a dependent of any such person on 975
active duty or in service also is exempt from the license 976
requirements of this section for the period of the person's 977
active duty or service and for six months thereafter, provided 978

the spouse or dependent was a licensee under this section at the 979
time the person commenced the active duty or service or had 980
obtained a license while the person was on active duty or 981
service, and provided further that the person's active duty or 982
service resulted in the spouse or dependent relocating outside 983
of this state during the period of the active duty or service. 984
This division does not prevent such a person or the person's 985
spouse or dependent from making an application for the renewal 986
of a concealed handgun license during the period of the person's 987
active duty or service. 988

(2) A sheriff shall accept a completed renewal 989
application, the license renewal fee, and the information 990
specified in division (F)(1) of this section at the times and in 991
the manners described in division (I) of this section. Upon 992
receipt of a completed renewal application, of certification 993
that the applicant has reread the specified pamphlet prepared by 994
the Ohio peace officer training commission, and of a license 995
renewal fee unless the fee is waived, a sheriff, in the manner 996
specified in section 311.41 of the Revised Code shall conduct or 997
cause to be conducted the criminal records check and the 998
incompetency records check described in section 311.41 of the 999
Revised Code. The sheriff shall renew the license if the sheriff 1000
determines that the applicant continues to satisfy the 1001
requirements described in division (D)(1) of this section, 1002
except that the applicant is not required to meet the 1003
requirements of division (D)(1)(1) of this section. A renewed 1004
license shall expire five years after the date of issuance. A 1005
renewed license is subject to division (E) of this section and 1006
sections 2923.126 and 2923.128 of the Revised Code. A sheriff 1007
shall comply with divisions (D)(2) and (3) of this section when 1008
the circumstances described in those divisions apply to a 1009

requested license renewal. If a sheriff denies the renewal of a
concealed handgun license, the applicant may appeal the denial,
or challenge the criminal record check results that were the
basis of the denial if applicable, in the same manner as
specified in division (D)(2)(b) of this section and in section
2923.127 of the Revised Code, regarding the denial of a license
under this section.

(3) A renewal application submitted pursuant to division
(F) of this section shall only require the licensee to list on
the application form information and matters occurring since the
date of the licensee's last application for a license pursuant
to division (B) or (F) of this section. A sheriff conducting the
criminal records check and the incompetency records check
described in section 311.41 of the Revised Code shall conduct
the check only from the date of the licensee's last application
for a license pursuant to division (B) or (F) of this section
through the date of the renewal application submitted pursuant
to division (F) of this section.

(4) An applicant for a renewal concealed handgun license
under this section shall submit to the sheriff of the county in
which the applicant resides or to the sheriff of any county
adjacent to the county in which the applicant resides, or in the
case of an applicant who resides in another state to the sheriff
of the county that issued the applicant's previous concealed
handgun license, a nonrefundable license fee as described in
either of the following:

(a) For an applicant who has been a resident of this state
for five or more years, a fee of fifty dollars;

(b) For an applicant who has been a resident of this state
for less than five years or who is not a resident of this state

but who is employed in this state, a fee of fifty dollars plus 1040
the actual cost of having a background check performed by the 1041
federal bureau of investigation. 1042

(5) The concealed handgun license of a licensee who is no 1043
longer a resident of this state or no longer employed in this 1044
state, as applicable, is valid until the date of expiration on 1045
the license, and the licensee is prohibited from renewing the 1046
concealed handgun license. 1047

(G)(1) Each course, class, or program described in 1048
division (B)(3)(a), (b), (c), or (e) of this section shall 1049
provide to each person who takes the course, class, or program 1050
the web site address at which the pamphlet prepared by the Ohio 1051
peace officer training commission pursuant to section 109.731 of 1052
the Revised Code that reviews firearms, dispute resolution, and 1053
use of deadly force matters may be found. Each such course, 1054
class, or program described in one of those divisions shall 1055
include at least eight hours of training in the safe handling 1056
and use of a firearm that shall include training, provided as 1057
described in division (G)(3) of this section, on all of the 1058
following: 1059

(a) The ability to name, explain, and demonstrate the 1060
rules for safe handling of a handgun and proper storage 1061
practices for handguns and ammunition; 1062

(b) The ability to demonstrate and explain how to handle 1063
ammunition in a safe manner; 1064

(c) The ability to demonstrate the knowledge, skills, and 1065
attitude necessary to shoot a handgun in a safe manner; 1066

(d) Gun handling training; 1067

(e) A minimum of two hours of in-person training that 1068

consists of range time and live-fire training. 1069

(2) To satisfactorily complete the course, class, or 1070
program described in division (B) (3) (a), (b), (c), or (e) of 1071
this section, the applicant shall pass a competency examination 1072
that shall include both of the following: 1073

(a) A written section, provided as described in division 1074
(G) (3) of this section, on the ability to name and explain the 1075
rules for the safe handling of a handgun and proper storage 1076
practices for handguns and ammunition; 1077

(b) An in-person physical demonstration of competence in 1078
the use of a handgun and in the rules for safe handling and 1079
storage of a handgun and a physical demonstration of the 1080
attitude necessary to shoot a handgun in a safe manner. 1081

(3) (a) Except as otherwise provided in this division, the 1082
training specified in division (G) (1) (a) of this section shall 1083
be provided to the person receiving the training in person by an 1084
instructor. If the training specified in division (G) (1) (a) of 1085
this section is provided by a course, class, or program 1086
described in division (B) (3) (a) of this section, or it is 1087
provided by a course, class, or program described in division 1088
(B) (3) (b), (c), or (e) of this section and the instructor is a 1089
qualified instructor certified by a national gun advocacy 1090
organization, the training so specified, other than the training 1091
that requires the person receiving the training to demonstrate 1092
handling abilities, may be provided online or as a combination 1093
of in-person and online training, as long as the online training 1094
includes an interactive component that regularly engages the 1095
person. 1096

(b) Except as otherwise provided in this division, the 1097

written section of the competency examination specified in 1098
division (G) (2) (a) of this section shall be administered to the 1099
person taking the competency examination in person by an 1100
instructor. If the training specified in division (G) (1) (a) of 1101
this section is provided to the person receiving the training by 1102
a course, class, or program described in division (B) (3) (a) of 1103
this section, or it is provided by a course, class, or program 1104
described in division (B) (3) (b), (c), or (e) of this section and 1105
the instructor is a qualified instructor certified by a national 1106
gun advocacy organization, the written section of the competency 1107
examination specified in division (G) (2) (a) of this section may 1108
be administered online, as long as the online training includes 1109
an interactive component that regularly engages the person. 1110

(4) The competency certification described in division (B) 1111
(3) (a), (b), (c), or (e) of this section shall be dated and 1112
shall attest that the course, class, or program the applicant 1113
successfully completed met the requirements described in 1114
division (G) (1) of this section and that the applicant passed 1115
the competency examination described in division (G) (2) of this 1116
section. 1117

(H) Upon deciding to issue a concealed handgun license, 1118
deciding to issue a replacement concealed handgun license, or 1119
deciding to renew a concealed handgun license pursuant to this 1120
section, and before actually issuing or renewing the license, 1121
the sheriff shall make available through the law enforcement 1122
automated data system all information contained on the license. 1123
If the license subsequently is suspended under division (A) (1) 1124
or (2) of section 2923.128 of the Revised Code, revoked pursuant 1125
to division (B) (1) of section 2923.128 of the Revised Code, or 1126
lost or destroyed, the sheriff also shall make available through 1127
the law enforcement automated data system a notation of that 1128

fact. The superintendent of the state highway patrol shall 1129
ensure that the law enforcement automated data system is so 1130
configured as to permit the transmission through the system of 1131
the information specified in this division. 1132

(I) A sheriff shall accept a completed application form or 1133
renewal application, and the fee, items, materials, and 1134
information specified in divisions (B) (1) to (5) or division (F) 1135
of this section, whichever is applicable, and shall provide an 1136
application form or renewal application to any person during at 1137
least fifteen hours a week and shall provide the web site 1138
address at which a printable version of the application form 1139
that can be downloaded and the pamphlet described in division 1140
(B) of section 109.731 of the Revised Code may be found at any 1141
time, upon request. The sheriff shall post notice of the hours 1142
during which the sheriff is available to accept or provide the 1143
information described in this division. 1144

Sec. 2923.128. (A) (1) (a) If a licensee holding a valid 1145
concealed handgun license is arrested for or otherwise charged 1146
with an offense described in division (D) (1) (d) of section 1147
2923.125 of the Revised Code or with a violation of section 1148
2923.15 of the Revised Code or becomes subject to a temporary 1149
protection order or to a protection order issued by a court of 1150
another state that is substantially equivalent to a temporary 1151
protection order, the sheriff who issued the license shall 1152
suspend it and shall comply with division (A) (3) of this section 1153
upon becoming aware of the arrest, charge, or protection order. 1154
Upon suspending the license, the sheriff also shall comply with 1155
division (H) of section 2923.125 of the Revised Code. 1156

(b) A suspension under division (A) (1) (a) of this section 1157
shall be considered as beginning on the date that the licensee 1158

is arrested for or otherwise charged with an offense described 1159
in that division or on the date the appropriate court issued the 1160
protection order described in that division, irrespective of 1161
when the sheriff notifies the licensee under division (A) (3) of 1162
this section. The suspension shall end on the date on which the 1163
charges are dismissed or the licensee is found not guilty of the 1164
offense described in division (A) (1) (a) of this section or, 1165
subject to division (B) of this section, on the date the 1166
appropriate court terminates the protection order described in 1167
that division. If the suspension so ends, the sheriff shall 1168
return the license or temporary emergency license to the 1169
licensee. 1170

(2) (a) If a licensee holding a valid concealed handgun 1171
license is convicted of or pleads guilty to a misdemeanor 1172
violation of division (B) (1), (2), or (4) of section 2923.12 of 1173
the Revised Code or of division (E) (1), (2), (3), or (5) of 1174
section 2923.16 of the Revised Code, except as provided in 1175
division (A) (2) (c) of this section and subject to division (C) 1176
of this section, the sheriff who issued the license shall 1177
suspend it and shall comply with division (A) (3) of this section 1178
upon becoming aware of the conviction or guilty plea. Upon 1179
suspending the license, the sheriff also shall comply with 1180
division (H) of section 2923.125 of the Revised Code. 1181

(b) A suspension under division (A) (2) (a) of this section 1182
shall be considered as beginning on the date that the licensee 1183
is convicted of or pleads guilty to the offense described in 1184
that division, irrespective of when the sheriff notifies the 1185
licensee under division (A) (3) of this section. If the 1186
suspension is imposed for a misdemeanor violation of division 1187
(B) (1) or (2) of section 2923.12 of the Revised Code or of 1188
division (E) (1), (2), or (3) of section 2923.16 of the Revised 1189

Code, it shall end on the date that is one year after the date 1190
that the licensee is convicted of or pleads guilty to that 1191
violation. If the suspension is imposed for a misdemeanor 1192
violation of division (B) (4) of section 2923.12 of the Revised 1193
Code or of division (E) (5) of section 2923.16 of the Revised 1194
Code, it shall end on the date that is two years after the date 1195
that the licensee is convicted of or pleads guilty to that 1196
violation. If the licensee's license was issued under section 1197
2923.125 of the Revised Code and the license remains valid after 1198
the suspension ends as described in this division, when the 1199
suspension ends, the sheriff shall return the license to the 1200
licensee. If the licensee's license was issued under section 1201
2923.125 of the Revised Code and the license expires before the 1202
suspension ends as described in this division, or if the 1203
licensee's license was issued under section 2923.1213 of the 1204
Revised Code, the licensee is not eligible to apply for a new 1205
license under section 2923.125 or 2923.1213 of the Revised Code 1206
or to renew the license under section 2923.125 of the Revised 1207
Code until after the suspension ends as described in this 1208
division. 1209

(c) The license of a licensee who is convicted of or 1210
pleads guilty to a violation of division (B) (1) of section 1211
2923.12 or division (E) (1) or (2) of section 2923.16 of the 1212
Revised Code shall not be suspended pursuant to division (A) (2) 1213
(a) of this section if, at the time of the stop of the licensee 1214
for a law enforcement purpose, for a traffic stop, or for a 1215
purpose defined in section 5503.34 of the Revised Code that was 1216
the basis of the violation, any law enforcement officer involved 1217
with the stop or the employee of the motor carrier enforcement 1218
unit who made the stop had actual knowledge of the licensee's 1219
status as a licensee. 1220

(3) Upon becoming aware of an arrest, charge, or protection order described in division (A) (1) (a) of this section with respect to a licensee who was issued a concealed handgun license, or a conviction of or plea of guilty to a misdemeanor offense described in division (A) (2) (a) of this section with respect to a licensee who was issued a concealed handgun license and with respect to which division (A) (2) (c) of this section does not apply, subject to division (C) of this section, the sheriff who issued the licensee's license shall notify the licensee, by certified mail, return receipt requested, at the licensee's last known residence address that the license has been suspended and that the licensee is required to surrender the license at the sheriff's office within ten days of the date on which the notice was mailed. If the suspension is pursuant to division (A) (2) of this section, the notice shall identify the date on which the suspension ends.

(B) (1) A sheriff who issues a concealed handgun license to a licensee shall revoke the license in accordance with division (B) (2) of this section upon becoming aware that the licensee satisfies any of the following:

(a) The licensee is under twenty-one years of age.

(b) Subject to division (C) of this section, at the time of the issuance of the license, the licensee did not satisfy the eligibility requirements of division (D) (1) (c), (d), (e), (f), (g), or (h) of section 2923.125 of the Revised Code.

(c) Subject to division (C) of this section, on or after the date on which the license was issued, the licensee is convicted of or pleads guilty to a violation of section 2923.15 of the Revised Code or an offense described in division (D) (1) (e), (f), (g), or (h) of section 2923.125 of the Revised Code.

(d) On or after the date on which the license was issued, 1251
the licensee becomes subject to an extreme risk protection order 1252
issued under sections 2923.26 to 2923.30 of the Revised Code, a 1253
civil protection order, or to a protection order issued by a 1254
court of another state that is substantially equivalent to a 1255
civil protection order. 1256

(e) The licensee knowingly carries a concealed handgun 1257
into a place that the licensee knows is an unauthorized place 1258
specified in division (B) of section 2923.126 of the Revised 1259
Code. 1260

(f) On or after the date on which the license was issued, 1261
the licensee is adjudicated as a mental defective or is 1262
committed to a mental institution. 1263

(g) At the time of the issuance of the license, the 1264
licensee did not meet the residency requirements described in 1265
division (D)(1) of section 2923.125 of the Revised Code and 1266
currently does not meet the residency requirements described in 1267
that division. 1268

(h) Regarding a license issued under section 2923.125 of 1269
the Revised Code, the competency certificate the licensee 1270
submitted was forged or otherwise was fraudulent. 1271

(2) Upon becoming aware of any circumstance listed in 1272
division (B)(1) of this section that applies to a particular 1273
licensee who was issued a concealed handgun license, subject to 1274
division (C) of this section, the sheriff who issued the license 1275
to the licensee shall notify the licensee, by certified mail, 1276
return receipt requested, at the licensee's last known residence 1277
address that the license is subject to revocation and that the 1278
licensee may come to the sheriff's office and contest the 1279

sheriff's proposed revocation within fourteen days of the date 1280
on which the notice was mailed. After the fourteen-day period 1281
and after consideration of any information that the licensee 1282
provides during that period, if the sheriff determines on the 1283
basis of the information of which the sheriff is aware that the 1284
licensee is described in division (B) (1) of this section and no 1285
longer satisfies the requirements described in division (D) (1) 1286
of section 2923.125 of the Revised Code that are applicable to 1287
the licensee's type of license, the sheriff shall revoke the 1288
license, notify the licensee of that fact, and require the 1289
licensee to surrender the license. Upon revoking the license, 1290
the sheriff also shall comply with division (H) of section 1291
2923.125 of the Revised Code. 1292

(C) If a sheriff who issues a concealed handgun license to 1293
a licensee becomes aware that at the time of the issuance of the 1294
license the licensee had been convicted of or pleaded guilty to 1295
an offense identified in division (D) (1) (e), (f), or (h) of 1296
section 2923.125 of the Revised Code or had been adjudicated a 1297
delinquent child for committing an act or violation identified 1298
in any of those divisions or becomes aware that on or after the 1299
date on which the license was issued the licensee has been 1300
convicted of or pleaded guilty to an offense identified in 1301
division (A) (2) (a) or (B) (1) (c) of this section, the sheriff 1302
shall not consider that conviction, guilty plea, or adjudication 1303
as having occurred for purposes of divisions (A) (2), (A) (3), (B) 1304
(1), and (B) (2) of this section if a court has ordered the 1305
sealing or expungement of the records of that conviction, guilty 1306
plea, or adjudication pursuant to sections 2151.355 to 2151.358 1307
or sections 2953.31 to 2953.36 of the Revised Code or the 1308
licensee has been relieved under operation of law or legal 1309
process from the disability imposed pursuant to section 2923.13 1310

of the Revised Code relative to that conviction, guilty plea, or
adjudication. 1311
1312

(D) As used in this section, "motor carrier enforcement
unit" has the same meaning as in section 2923.16 of the Revised
Code. 1313
1314
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Sec. 2923.13. (A) Unless relieved from disability under
operation of law or legal process, no person shall knowingly
acquire, have, carry, or use any firearm or dangerous ordnance,
if any of the following apply: 1316
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1318
1319

(1) The person is a fugitive from justice. 1320

(2) The person is under indictment for or has been
convicted of any felony offense of violence or has been
adjudicated a delinquent child for the commission of an offense
that, if committed by an adult, would have been a felony offense
of violence. 1321
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(3) The person is under indictment for or has been
convicted of any felony offense involving the illegal
possession, use, sale, administration, distribution, or
trafficking in any drug of abuse or has been adjudicated a
delinquent child for the commission of an offense that, if
committed by an adult, would have been a felony offense
involving the illegal possession, use, sale, administration,
distribution, or trafficking in any drug of abuse. 1326
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(4) The person is drug dependent, in danger of drug
dependence, or a chronic alcoholic. 1334
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(5) The person is under adjudication of mental
incompetence, has been adjudicated as a mental defective, has
been committed to a mental institution, has been found by a
court to be a mentally ill person subject to court order, or is
1336
1337
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an involuntary patient other than one who is a patient only for 1340
purposes of observation. ~~As used in this division, "mentally ill-~~ 1341
~~person subject to court order" and "patient" have the same-~~ 1342
~~meanings as in section 5122.01 of the Revised Code.~~ 1343

(6) The person has been found guilty of having a firearm 1344
while under extreme risk protection order disability, and is 1345
prohibited from acquiring, having, carrying, or using a firearm 1346
under section 2923.99 of the Revised Code. 1347

(B) Whoever violates this section is guilty of having 1348
weapons while under disability, a felony of the third degree. 1349

(C) For the purposes of this section, ~~"under:~~ 1350

(1) Under operation of law or legal process" shall not 1351
itself include mere completion, termination, or expiration of a 1352
sentence imposed as a result of a criminal conviction. 1353

(2) "Mentally ill person subject to court order" and 1354
"patient" have the same meanings as in section 5122.01 of the 1355
Revised Code. 1356

Sec. 2923.26. (A) As used in this section and sections 1357
2923.27 to 2923.30 of the Revised Code: 1358

(1) "Extreme risk protection order" means a final order or 1359
an ex parte temporary order granted under section 2923.26 or 1360
2923.27 of the Revised Code, respectively. 1361

(2) "Family or household member" means, with respect to a 1362
respondent, any of the following: 1363

(a) A person related by blood, marriage, or adoption to 1364
the respondent; 1365

(b) A person in a dating relationship with the respondent; 1366

(c) A person who has a child in common with the respondent, regardless of whether the person has been married to the respondent or has lived together with the respondent at any time; 1367
1368
1369
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(d) A person who resides with the respondent or who has resided with the respondent within the past year; 1371
1372

(e) A person who has a biological or legal parent-child relationship with the respondent, including a stepparent, stepchild, grandparent, and grandchild of the respondent; 1373
1374
1375

(f) A person who is acting or has acted as the respondent's legal guardian. 1376
1377

(3) "Petitioner" means the person who petitions for an extreme risk protection order. 1378
1379

(4) "Respondent" means the person who is identified as the subject of a petition for an extreme risk protection order. 1380
1381

(5) "Law enforcement officer" means a sheriff, deputy sheriff, constable, police officer of a township or joint police district, municipal police officer, or state highway patrol trooper. 1382
1383
1384
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(6) "Law enforcement agency" means a municipal or township police department, a county sheriff's office, or the state highway patrol. 1386
1387
1388

(B) Any of the following persons may seek relief under sections 2923.26 to 2923.30 of the Revised Code by filing a petition for an extreme risk protection order in the court of common pleas in the county where the petitioner resides or in the county where the respondent resides: 1389
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1391
1392
1393

(1) A family or household member of the respondent; 1394

- (2) A law enforcement officer or law enforcement agency. 1395
- (C) A petition for an extreme risk protection order shall 1396
include all of the following: 1397
- (1) An allegation that the respondent poses a significant 1398
danger of causing personal injury to self or others by having in 1399
the respondent's custody or control, purchasing, possessing, or 1400
receiving a firearm, accompanied by an affidavit made under oath 1401
stating the specific statements, actions, or facts that give 1402
rise to a reasonable fear of future dangerous acts by the 1403
respondent; 1404
- (2) An inventory list including the number, types, and 1405
locations of every firearm the petitioner believes to be in the 1406
respondent's ownership, possession, custody, or control; 1407
- (3) A list of any protection order issued under section 1408
2151.34, 2903.213, 2903.214, 2919.26, or 3113.31 of the Revised 1409
Code to which the respondent is subject and of which the 1410
petitioner is aware; 1411
- (4) A list of any pending lawsuit, complaint, petition, or 1412
other legal action between the parties. 1413
- (D) The court shall verify the terms of any existing order 1414
governing the parties but may not delay granting relief because 1415
an action is pending between the parties. A petition for an 1416
extreme risk protection order may be granted whether or not an 1417
action between the parties is pending. 1418
- (E) If the petitioner is a law enforcement officer or 1419
agency, the petitioner shall make a good faith effort to provide 1420
notice to a family or household member or third party who may be 1421
at risk of violence. The notice shall state that the petitioner 1422
intends to petition the court for an extreme risk protection 1423

order or that the petitioner has already done so, and include 1424
referrals to appropriate resources, including mental health, 1425
domestic violence, and counseling resources. The petitioner 1426
shall attest in the petition to having provided this notice, or 1427
attest to the steps that will be taken to provide the notice. 1428

(F) If the petition states that disclosure of the 1429
petitioner's address would risk harm to the petitioner or any 1430
member of the petitioner's family or household, the petitioner's 1431
address may be omitted from all documents filed with the court. 1432
If the petitioner has not disclosed an address under this 1433
division, the petitioner shall designate an alternate address at 1434
which the respondent may serve notice of any motions. If the 1435
petitioner is a law enforcement officer or agency, the address 1436
of record shall be the address of the law enforcement agency. 1437

(G) The court shall not charge a fee to a petitioner for 1438
filing a petition under this section and shall not charge the 1439
petitioner for service of process. The court shall provide the 1440
necessary certified copies and forms and shall provide materials 1441
explaining the process of filing a petition for an extreme risk 1442
protection order to persons free of charge. 1443

(H) No petitioner for an extreme risk protection order 1444
shall be required to post a bond to obtain relief under this 1445
section or sections 2923.27 to 2923.30 of the Revised Code. 1446

(I) Upon receiving a petition for an extreme risk 1447
protection order filed under this section, the court shall do 1448
all of the following: 1449

(1) Order a hearing to be held not later than fourteen 1450
days after the date of the order; 1451

(2) Issue a notice of the hearing to the respondent named 1452

in the petition; 1453

(3) Cause a copy of the notice of hearing and petition to 1454
be forwarded on or before the next judicial day to a local law 1455
enforcement agency for service on the respondent. 1456

(J) The court may do either of the following with respect 1457
to a petition for an extreme risk protection order: 1458

(1) Subject to division (K) of this section, schedule a 1459
hearing by telephone pursuant to local court rule, to reasonably 1460
accommodate a disability, or, in exceptional circumstances, to 1461
protect a petitioner from potential harm; 1462

(2) Issue an ex parte extreme risk protection order under 1463
section 2923.27 of the Revised Code. 1464

(K) The court shall require assurances of the petitioner's 1465
identity before conducting a telephonic hearing under division 1466
(J) (1) of this section. 1467

(L) The local law enforcement agency shall personally 1468
serve the petition and notice of the hearing on the respondent 1469
not less than five judicial days prior to the hearing. If a 1470
court has issued an ex parte extreme risk protection order under 1471
section 2923.27 of the Revised Code, the local law enforcement 1472
agency shall serve the ex parte order concurrently with the 1473
notice of hearing and petition. Service issued under this 1474
section shall take precedence over other service of other 1475
documents, unless those documents are also of an emergency 1476
nature. If the local law enforcement agency cannot serve process 1477
under this section within the time period specified, the court 1478
shall set a new hearing date and either require the local law 1479
enforcement agency to attempt personal service again or shall 1480
permit service by publication or mail as provided in division 1481

(H) of section 2923.28 of the Revised Code. The court shall not 1482
require more than two attempts at obtaining personal service and 1483
shall permit service by publication or mail after two attempts 1484
unless the petitioner requests additional time to attempt 1485
personal service. If the court issues an order that permits 1486
service by publication or mail, the court shall set the hearing 1487
date not later than twenty-four days after the date the order is 1488
issued. 1489

(M) Upon hearing a petition for an extreme risk protection 1490
order, if the court finds by a preponderance of the evidence 1491
that the respondent poses a significant danger of causing 1492
personal injury to self or others by having custody or control 1493
of a firearm or the ability to purchase, possess, or receive a 1494
firearm, the court shall issue an extreme risk protection order 1495
for a period of one year. 1496

(N) In determining whether grounds for an extreme risk 1497
protection order exist, the court may do any of the following: 1498

(1) Consider any relevant evidence including any of the 1499
following: 1500

(a) A recent act or threat of violence by the respondent 1501
against the respondent or against another, whether or not the 1502
violence or threat involves a firearm; 1503

(b) A pattern of acts or threats of violence by the 1504
respondent within the past twelve months, including acts or 1505
threats of violence by the respondent against the respondent or 1506
against others; 1507

(c) Any dangerous mental health issues of the respondent; 1508

(d) A violation by the respondent of any of the following: 1509

<u>(i) A protection order issued or consent agreement</u>	1510
<u>approved pursuant to section 2919.26 or 3113.31 of the Revised</u>	1511
<u>Code;</u>	1512
<u>(ii) A protection order issued pursuant to section</u>	1513
<u>2151.34, 2903.213, or 2903.214 of the Revised Code;</u>	1514
<u>(iii) A protection order issued by a court of another</u>	1515
<u>state.</u>	1516
<u>(e) A previous or existing extreme risk protection order</u>	1517
<u>issued against the respondent;</u>	1518
<u>(f) A violation of a previous or existing extreme risk</u>	1519
<u>protection order issued against the respondent;</u>	1520
<u>(g) A conviction of the respondent for a violation of</u>	1521
<u>section 2919.25 of the Revised Code;</u>	1522
<u>(h) The respondent's ownership, access to, or intent to</u>	1523
<u>possess firearms;</u>	1524
<u>(i) The unlawful or reckless use, display, or brandishing</u>	1525
<u>of a firearm by the respondent;</u>	1526
<u>(j) The history of use, attempted use, or threatened use</u>	1527
<u>of physical force by the respondent against another person, or</u>	1528
<u>the respondent's history of stalking another person;</u>	1529
<u>(k) Any prior arrest of the respondent for a felony</u>	1530
<u>offense or violent crime;</u>	1531
<u>(l) Corroborated evidence of the abuse of controlled</u>	1532
<u>substances or alcohol by the respondent;</u>	1533
<u>(m) Evidence of recent acquisition of firearms by the</u>	1534
<u>respondent.</u>	1535
<u>(2) Examine under oath the petitioner, the respondent, and</u>	1536

any witness called by the petitioner or respondent; 1537

(3) Ensure that a reasonable search has been conducted for 1538
criminal history records related to the respondent. 1539

(O) During a hearing for an extreme risk protection order, 1540
the court shall consider whether a mental health evaluation or 1541
chemical dependency evaluation is appropriate and may order such 1542
an evaluation if appropriate. 1543

(P) An extreme risk protection order issued under this 1544
section shall include all of the following: 1545

(1) A statement of the grounds supporting the order; 1546

(2) The date and time that the order was issued; 1547

(3) The date and time the order expires; 1548

(4) Whether a mental health evaluation or chemical 1549
dependency evaluation of the respondent is required; 1550

(5) The address of the court in which any responsive 1551
pleading should be filed; 1552

(6) A description of the requirements for relinquishment 1553
of firearms under section 2923.30 of the Revised Code; 1554

(7) The following statement: 1555

"To the subject of the protection order: 1556

This order will last until the date and time noted above. 1557

If you have not done so already, you must surrender to the 1558
(insert name of local law enforcement agency) all firearms in 1559
your custody, control, or possession and any license to carry a 1560
concealed handgun issued to you under section 2923.125 or 1561
2923.1213 of the Revised Code. You may not have in your custody 1562
or control, purchase, possess, receive, or attempt to purchase 1563

or receive, a firearm while this order is in effect. You have 1564
the right to request one hearing to terminate this order every 1565
twelve-month period that this order is in effect, starting from 1566
the date of this order and continuing through any renewals. You 1567
may seek the advice of an attorney as to any matter connected 1568
with this order." 1569

(Q) When the court issues an extreme risk protection 1570
order, the court shall inform the respondent that the respondent 1571
is entitled to request termination of the order in the manner 1572
prescribed in section 2923.29 of the Revised Code. 1573

(R) If the court declines to issue an extreme risk 1574
protection order, the court shall state the particular reasons 1575
for denial in the court's order. 1576

(S) Sections 2923.26 to 2923.30 of the Revised Code do not 1577
affect the ability of a law enforcement officer to remove a 1578
firearm or concealed handgun license from any person or conduct 1579
any search and seizure for firearms pursuant to any other lawful 1580
authority. 1581

Sec. 2923.27. (A) A petitioner may request that an ex 1582
parte extreme risk protection order be issued before a hearing 1583
for an extreme risk protection order, without notice to the 1584
respondent, by filing an application for an ex parte extreme 1585
risk protection order in a court of common pleas, county court, 1586
or municipal court, that includes detailed allegations based on 1587
personal knowledge that the respondent poses a significant 1588
danger of causing personal injury to self or others in the near 1589
future by having custody or control of a firearm or the ability 1590
to purchase, possess, or receive a firearm. 1591

(B) In considering whether to issue an ex parte extreme 1592

risk protection order under this section, the court that 1593
receives the application shall consider all relevant evidence, 1594
including the evidence described in division (N)(1) of section 1595
2923.26 of the Revised Code. 1596

(C) If a court finds there is reasonable cause to believe 1597
that the respondent poses a significant danger of causing 1598
personal injury to self or others in the near future by having 1599
custody or control of a firearm or the ability to purchase, 1600
possess, or receive a firearm, the court shall issue an ex parte 1601
extreme risk protection order. 1602

(D) The court shall hold an ex parte extreme risk 1603
protection order hearing in person or by telephone on the day 1604
the petition is filed or on the judicial day immediately 1605
following the day the petition is filed. 1606

(E)(1) In accordance with division (I)(1) of section 1607
2923.26 of the Revised Code, a court of common pleas that issues 1608
an ex parte extreme risk protection order shall schedule a 1609
hearing within fourteen days of the issuance of the order to 1610
determine if an extreme risk protection order should be issued. 1611

(2) A county court or municipal court that issues an ex 1612
parte extreme risk protection order shall transfer the case to 1613
the court of common pleas and that court shall schedule a 1614
hearing within fourteen days of the issuance of the order to 1615
determine if an extreme risk protection order should be issued. 1616

(F) An ex parte extreme risk protection order shall 1617
include all of the following: 1618

(1) A statement of the grounds asserted for the order; 1619

(2) The date and time the order was issued; 1620

- (3) The date and time the order expires; 1621
- (4) The address of the court in which any responsive 1622
pleading should be filed; 1623
- (5) The date and time of the scheduled hearing; 1624
- (6) A description of the requirements for surrender of 1625
firearms under section 2923.30 of the Revised Code; 1626
- (7) The following statement: 1627
- "To the subject of this protection order: 1628
- This order is valid until the date and time noted above. 1629
You are required to surrender all firearms in your custody, 1630
control, or possession. You may not have in your custody or 1631
control, purchase, possess, receive, or attempt to purchase or 1632
receive, a firearm while this order is in effect. You must 1633
immediately surrender to the (insert name of local law 1634
enforcement agency) all firearms in your custody, control, or 1635
possession and any license to carry a concealed handgun issued 1636
to you under section 2923.125 or 2923.1213 of the Revised Code 1637
immediately. A hearing will be held on the date and at the time 1638
noted above to determine if an extreme risk protection order 1639
should be issued. Failure to appear at that hearing may result 1640
in a court making an order against you that is valid for one 1641
year. You may seek the advice of an attorney as to any matter 1642
connected with this order." 1643
- (G) Any ex parte extreme risk protection order issued 1644
under this section expires upon the hearing on the extreme risk 1645
protection order. 1646
- (H) If the court of common pleas declines to issue an ex 1647
parte extreme risk protection order, the court shall state the 1648

particular reasons for the denial. 1649

Sec. 2923.28. (A) An extreme risk protection order issued 1650
under section 2923.26 of the Revised Code shall be personally 1651
served upon the respondent, except as otherwise provided in 1652
sections 2923.26 to 2923.30 of the Revised Code. 1653

(B) The law enforcement agency with jurisdiction over the 1654
area in which the respondent resides shall serve the respondent 1655
personally unless the petitioner elects to have the respondent 1656
served by a private party. 1657

(C) If service by the local law enforcement agency is to 1658
be used, the clerk of court shall cause a copy of the order 1659
issued under section 2923.26 of the Revised Code to be forwarded 1660
on or before the next judicial day to the local law enforcement 1661
agency specified in the order for service upon the respondent. 1662

(D) If the law enforcement agency is unable to complete 1663
service on the respondent within ten days, the law enforcement 1664
agency shall notify the petitioner. The petitioner shall provide 1665
any information necessary to allow the law enforcement agency to 1666
complete service on the respondent. 1667

(E) If an order entered by the court specifies that the 1668
respondent appeared in person before the court, further service 1669
is waived and proof of service is not necessary. 1670

(F) If the court previously entered an order allowing 1671
service of the notice and petition or an ex parte extreme risk 1672
protection order by publication or mail under division (H) of 1673
this section, or if the court finds there are now grounds to 1674
allow for that method of service, the court may permit service 1675
by publication or mail of the extreme risk protection order as 1676
provided in that division. 1677

(G) Return of service under sections 2923.26 to 2923.30 of 1678
the Revised Code shall be made in accordance with applicable 1679
rules of court. 1680

(H) The court may order service by publication or service 1681
by mail as provided by the Rules of Civil Procedure except that 1682
any summons shall contain the name of the respondent and 1683
petitioner, the date and time of the hearing, and any ex parte 1684
extreme risk protection order that has been issued against the 1685
respondent, and the following notice: 1686

"If you fail to respond, an extreme risk protection order 1687
may be issued against you pursuant to sections 2923.26 to 1688
2923.30 of the Revised Code for one year from the date you are 1689
required to appear." 1690

(I) If the court orders service by publication or mail for 1691
notice of an extreme risk protection order hearing, it shall 1692
also reissue the ex parte extreme risk protection order, if 1693
issued, to expire on the date of the extreme risk protection 1694
order hearing. 1695

(J) Following completion of service by publication or by 1696
mail for notice of an extreme risk protection order hearing, if 1697
the respondent fails to appear at the hearing, the court may 1698
issue an extreme risk protection order as provided in section 1699
2923.26 of the Revised Code. 1700

(K) The clerk of the court shall enter any extreme risk 1701
protection order or ex parte extreme risk protection order 1702
issued under sections 2923.26 to 2923.30 of the Revised Code 1703
into a statewide judicial information system on the same day 1704
such order is issued. 1705

(L) The clerk of the court shall forward a copy of an 1706

order issued under sections 2923.26 to 2923.30 of the Revised 1707
Code the same day the order is issued to the appropriate law 1708
enforcement agency specified in the order. Upon receipt of the 1709
copy of the order, the law enforcement agency shall enter the 1710
order into the national instant criminal background check 1711
system, any other federal or state computer-based systems used 1712
by law enforcement or others to identify prohibited purchasers 1713
of firearms, and any computer-based criminal intelligence 1714
information system available in this state used by law 1715
enforcement agencies to list outstanding warrants. The order 1716
shall remain in each system for the period stated in the order, 1717
and the law enforcement agency shall only remove orders from the 1718
systems that have expired or terminated. Entry into the 1719
computer-based criminal intelligence information system 1720
constitutes notice to all law enforcement agencies of the 1721
existence of the order. The order is fully enforceable in any 1722
county in the state. 1723

(M)(1) The issuing court shall, within three judicial days 1724
after issuance of an extreme risk protection order or ex parte 1725
extreme risk protection order, forward a copy of the 1726
respondent's driver's license or state identification card, or 1727
comparable information, along with the date of the order's 1728
issuance, to the sheriff that has issued a concealed handgun 1729
license to the respondent. Upon receipt of the information, the 1730
sheriff shall immediately revoke the respondent's license in 1731
accordance with division (B) of section 2923.128 of the Revised 1732
Code. 1733

(2) The court, if necessary, may apply for access to the 1734
law enforcement automated data system to identify a sheriff that 1735
has issued a concealed handgun license to a respondent. For 1736
purposes of this inquiry, the court is a criminal justice 1737

agency. 1738

(N) If an extreme risk protection order is terminated 1739
before its expiration date, the clerk of the court shall forward 1740
the same day a copy of the termination order to the appropriate 1741
law enforcement agency specified in the termination order. Upon 1742
receipt of the order, the law enforcement agency shall promptly 1743
remove the order from any computer-based system in which it was 1744
entered pursuant to division (L) of this section. 1745

Sec. 2923.29. (A) The respondent may submit one written 1746
request for a hearing to terminate an extreme risk protection 1747
order issued under sections 2923.26 to 2923.30 of the Revised 1748
Code every twelve-month period that the order is in effect, 1749
starting from the date of the order and continuing through any 1750
renewals. 1751

(1) Upon receipt of the request for a hearing to terminate 1752
an extreme risk protection order, the court shall set a date for 1753
a hearing. Notice of the request shall be served on the 1754
petitioner in accordance with the Rules of Civil Procedure. The 1755
hearing shall occur not sooner than fourteen days and not later 1756
than thirty days after the date the petitioner is served with 1757
the request. 1758

(2) The respondent shall have the burden of proving by a 1759
preponderance of the evidence that the respondent does not pose 1760
a significant danger of causing personal injury to self or 1761
others by having custody or control of a firearm or the ability 1762
to purchase, possess, or receive a firearm. The court may 1763
consider any relevant evidence, including evidence of the 1764
considerations listed in division (N) (1) of section 2923.26 of 1765
the Revised Code. 1766

(3) If the court finds after the hearing that the 1767
respondent has met the respondent's burden, the court shall 1768
terminate the order. 1769

(B) The court shall notify the petitioner of the impending 1770
expiration of an extreme risk protection order. Notice shall be 1771
received by the petitioner one hundred five calendar days before 1772
the date the order expires. 1773

(C) A family or household member of a respondent or a law 1774
enforcement officer or agency may by motion request a renewal of 1775
an extreme risk protection not sooner than one hundred five 1776
calendar days before the expiration of the order. 1777

(D) Upon receipt of a motion to renew, the court shall 1778
order that a hearing be held not later than fourteen days from 1779
the date the order is issued. The court may schedule a hearing 1780
by telephone in the manner prescribed by division (J) (1) of 1781
section 2923.26 of the Revised Code. The respondent shall be 1782
personally served in the same manner prescribed by divisions (I) 1783
(3) and (L) of section 2923.26 of the Revised Code. 1784

(E) In determining whether to renew an extreme risk 1785
protection order under this section, the court shall consider 1786
all relevant evidence presented by the petitioner and follow the 1787
same procedure as provided in section 2923.26 of the Revised 1788
Code. 1789

If the court finds by a preponderance of the evidence that 1790
the requirements for issuance of an extreme risk protection 1791
order as provided in section 2923.26 of the Revised Code 1792
continue to be met, the court shall renew the order. However, 1793
if, after notice, the motion for renewal is uncontested and the 1794
petitioner seeks no modification of the order, the order may be 1795

renewed on the basis of the petitioner's motion or affidavit 1796
stating that there has been no material change in relevant 1797
circumstances since entry of the order and stating the reason 1798
for the requested renewal. 1799

(F) The renewal of an extreme risk protection order has a 1800
duration of one year, subject to termination as provided in 1801
division (A) of this section or further renewal by order of the 1802
court. 1803

Sec. 2923.30. (A) Upon issuance of any extreme risk 1804
protection order under this chapter, including an ex parte 1805
extreme risk protection order, the court shall order the 1806
respondent to surrender to the local law enforcement agency all 1807
firearms in the respondent's custody, control, or possession and 1808
any license to carry a concealed handgun issued to the 1809
respondent under section 2923.125 or 2923.1213 of the Revised 1810
Code. 1811

(B) The law enforcement officer serving any extreme risk 1812
protection order under sections 2923.26 to 2923.30 of the 1813
Revised Code, including an ex parte extreme risk protection 1814
order, shall request that the respondent immediately surrender 1815
all firearms in the respondent's custody, control, or possession 1816
and any license to carry a concealed handgun issued to the 1817
respondent under section 2923.125 or 2923.1213 of the Revised 1818
Code, and conduct any search permitted by law for such firearms. 1819

(C) The law enforcement officer shall take possession of 1820
all firearms belonging to the respondent that are surrendered, 1821
in plain sight, or discovered pursuant to a lawful search. 1822
Alternatively, if personal service by a law enforcement officer 1823
is not possible, or not required because the respondent was 1824
present at the extreme risk protection order hearing, the 1825

respondent shall surrender the firearms in a safe manner to the 1826
control of the local law enforcement agency within forty-eight 1827
hours of being served with the order by alternate service or 1828
within forty-eight hours of the hearing at which the respondent 1829
was present. 1830

(D) At the time of surrender, a law enforcement officer 1831
taking possession of a firearm or concealed handgun license 1832
shall issue a receipt identifying all firearms that have been 1833
surrendered and provide a copy of the receipt to the respondent. 1834
Within seventy-two hours after service of the order, the officer 1835
serving the order shall file the original receipt with the court 1836
and shall ensure that the officer's law enforcement agency 1837
retains a copy of the receipt. 1838

(E) Upon the sworn statement or testimony of the 1839
petitioner or of any law enforcement officer alleging that the 1840
respondent has failed to comply with the surrender of firearms 1841
as required by an order issued under sections 2923.26 to 2923.30 1842
of the Revised Code, the court shall determine whether probable 1843
cause exists to believe that the respondent has failed to 1844
surrender all firearms in the respondent's possession, custody, 1845
or control. If probable cause exists, the court shall issue a 1846
warrant describing the firearms and authorizing a search of the 1847
locations where the firearms are reasonably believed to be and 1848
the seizure of any firearms discovered pursuant to such search. 1849

(F) If a person other than the respondent claims title to 1850
any firearm surrendered pursuant to this section, and the other 1851
person is determined by the law enforcement agency to be the 1852
lawful owner of the firearm, the firearm shall be returned to 1853
the other person, provided that both of the following apply: 1854

(1) The firearm is removed from the respondent's custody, 1855

control, or possession and the lawful owner agrees to store the 1856
firearm in a manner such that the respondent does not have 1857
access to or control of the firearm. 1858

(2) The lawful owner is not prohibited from possessing the 1859
firearm under state or federal law. 1860

(G) Upon the issuance of an extreme risk protection order, 1861
the court shall order a new hearing date and require the 1862
respondent to appear not later than three judicial days from the 1863
issuance of the order. The court shall require a showing that 1864
the respondent has surrendered any firearms in the respondent's 1865
custody, control, or possession. The court may dismiss the 1866
hearing upon a satisfactory showing that the respondent is in 1867
compliance with the order. 1868

(H) All law enforcement agencies shall develop policies 1869
and procedures not later than six months after the effective 1870
date of this section regarding the acceptance, storage, and 1871
return of firearms required to be surrendered under sections 1872
2923.26 to 2923.30 of the Revised Code. 1873

(I) If an extreme risk protection order is terminated or 1874
expires without renewal, a law enforcement agency holding any 1875
firearm that has been surrendered pursuant to sections 2923.26 1876
to 2923.30 of the Revised Code shall return any surrendered 1877
firearm requested by a respondent only after confirming, through 1878
a background check, that the respondent is currently eligible to 1879
own or possess firearms under federal and state law and after 1880
confirming with the court that the extreme risk protection order 1881
has terminated or has expired without renewal. 1882

(J) A law enforcement agency shall, if requested, provide 1883
prior notice of the return of a firearm to a respondent to 1884

family or household members of the respondent. 1885

(K) Any firearm surrendered by a respondent pursuant to 1886
this section that remains unclaimed by the lawful owner shall be 1887
disposed of in accordance with the law enforcement agency's 1888
policies and procedures for the disposal of firearms in police 1889
custody. 1890

Sec. 2923.99. (A) Except as provided in this section, 1891
sections 2923.26 to 2923.30 of the Revised Code do not impose 1892
criminal or civil liability on any person or entity for acts or 1893
omissions related to obtaining an extreme risk protection order 1894
or ex parte extreme risk protection order including for 1895
reporting, declining to report, investigating, declining to 1896
investigate, filing, or declining to file a petition under those 1897
sections. 1898

(B) (1) No person shall file a petition under sections 1899
2923.26 to 2923.30 of the Revised Code knowing the information 1900
in the petition is materially false or with intent to harass the 1901
respondent. 1902

(2) A person who violates division (B) (1) of this section 1903
is guilty of unlawful petition for an extreme risk protection 1904
order, a misdemeanor of the third degree. 1905

(C) (1) No person shall acquire, have, carry, or use any 1906
firearm with knowledge that the person is prohibited from doing 1907
so by an order issued under this section or sections 2923.26 to 1908
2923.30 of the Revised Code. 1909

(2) A person who violates division (C) (1) of this section 1910
is guilty of having a firearm while under extreme risk 1911
protection order disability. Except as provided in division (C) 1912
(3) of this section, having a firearm while under extreme risk 1913

protection order disability is a misdemeanor of the third 1914
degree. 1915

(3) If a person found guilty of having a firearm while 1916
under extreme risk protection order disability has two or more 1917
previous convictions for such an offense, having a firearm while 1918
under extreme risk protection order disability is a felony of 1919
the fifth degree. 1920

(D) In addition to the penalties prescribed in division 1921
(C) of this section, no person found guilty of having a firearm 1922
while under extreme risk protection order disability shall 1923
knowingly acquire, have, carry, or use any firearm or dangerous 1924
ordnance for a period of five years after the date the 1925
underlying extreme risk protection order expires. 1926

Section 2. That existing sections 109.57, 2923.125, 1927
2923.128, and 2923.13 of the Revised Code are hereby repealed. 1928

Section 3. Sections 2923.26 to 2923.30 and 2923.99 of the 1929
Revised Code, as enacted by this act, shall be known as the 1930
"Extreme Risk Protection Order Act." 1931

Section 4. The General Assembly, applying the principle 1932
stated in division (B) of section 1.52 of the Revised Code that 1933
amendments are to be harmonized if reasonably capable of 1934
simultaneous operation, finds that the following sections, 1935
presented in this act as composites of the sections as amended 1936
by the acts indicated, are the resulting versions of the 1937
sections in effect prior to the effective date of the sections 1938
as presented in this act: 1939

Section 109.57 of the Revised Code as amended by both Sub. 1940
H.B. 359 and Am. Sub. S.B. 227 of the 131st General Assembly. 1941

Section 2923.125 of the Revised Code as amended by both 1942

Am. Sub. H.B. 234 and Am. Sub. S.B. 43 of the 130th General Assembly.	1943
	1944
Section 2923.13 of the Revised Code as amended by both Am. Sub. H.B. 234 and Am. Sub. S.B. 43 of the 130th General Assembly.	1945
	1946
	1947