

As Introduced

**135th General Assembly
Regular Session
2023-2024**

S. B. No. 164

Senator Craig

Cosponsors: Senators Antonio, DeMora, Sykes

A BILL

To amend sections 149.43, 2923.11, 2923.125, 1
2923.128, and 2923.20 and to enact sections 2
2923.133, 2923.22, 2923.221, and 4731.058 of the 3
Revised Code to enact the Suicide Self-Defense 4
Act, relative to the creation of a do not 5
possess firearms registry. 6

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

Section 1. That sections 149.43, 2923.11, 2923.125, 7
2923.128, and 2923.20 be amended and sections 2923.133, 2923.22, 8
2923.221, and 4731.058 of the Revised Code be enacted to read as 9
follows: 10

Sec. 149.43. (A) As used in this section: 11

(1) "Public record" means records kept by any public 12
office, including, but not limited to, state, county, city, 13
village, township, and school district units, and records 14
pertaining to the delivery of educational services by an 15
alternative school in this state kept by the nonprofit or for- 16
profit entity operating the alternative school pursuant to 17
section 3313.533 of the Revised Code. "Public record" does not 18

mean any of the following:	19
(a) Medical records;	20
(b) Records pertaining to probation and parole proceedings, to proceedings related to the imposition of community control sanctions and post-release control sanctions, or to proceedings related to determinations under section 2967.271 of the Revised Code regarding the release or maintained incarceration of an offender to whom that section applies;	21 22 23 24 25 26
(c) Records pertaining to actions under section 2151.85 and division (C) of section 2919.121 of the Revised Code and to appeals of actions arising under those sections;	27 28 29
(d) Records pertaining to adoption proceedings, including the contents of an adoption file maintained by the department of health under sections 3705.12 to 3705.124 of the Revised Code;	30 31 32
(e) Information in a record contained in the putative father registry established by section 3107.062 of the Revised Code, regardless of whether the information is held by the department of job and family services or, pursuant to section 3111.69 of the Revised Code, the office of child support in the department or a child support enforcement agency;	33 34 35 36 37 38
(f) Records specified in division (A) of section 3107.52 of the Revised Code;	39 40
(g) Trial preparation records;	41
(h) Confidential law enforcement investigatory records;	42
(i) Records containing information that is confidential under section 2710.03 or 4112.05 of the Revised Code;	43 44
(j) DNA records stored in the DNA database pursuant to	45

section 109.573 of the Revised Code;	46
(k) Inmate records released by the department of rehabilitation and correction to the department of youth services or a court of record pursuant to division (E) of section 5120.21 of the Revised Code;	47 48 49 50
(l) Records maintained by the department of youth services pertaining to children in its custody released by the department of youth services to the department of rehabilitation and correction pursuant to section 5139.05 of the Revised Code;	51 52 53 54
(m) Intellectual property records;	55
(n) Donor profile records;	56
(o) Records maintained by the department of job and family services pursuant to section 3121.894 of the Revised Code;	57 58
(p) Designated public service worker residential and familial information;	59 60
(q) In the case of a county hospital operated pursuant to Chapter 339. of the Revised Code or a municipal hospital operated pursuant to Chapter 749. of the Revised Code, information that constitutes a trade secret, as defined in section 1333.61 of the Revised Code;	61 62 63 64 65
(r) Information pertaining to the recreational activities of a person under the age of eighteen;	66 67
(s) In the case of a child fatality review board acting under sections 307.621 to 307.629 of the Revised Code or a review conducted pursuant to guidelines established by the director of health under section 3701.70 of the Revised Code, records provided to the board or director, statements made by board members during meetings of the board or by persons	68 69 70 71 72 73

participating in the director's review, and all work products of 74
the board or director, and in the case of a child fatality 75
review board, child fatality review data submitted by the board 76
to the department of health or a national child death review 77
database, other than the report prepared pursuant to division 78
(A) of section 307.626 of the Revised Code; 79

(t) Records provided to and statements made by the 80
executive director of a public children services agency or a 81
prosecuting attorney acting pursuant to section 5153.171 of the 82
Revised Code other than the information released under that 83
section; 84

(u) Test materials, examinations, or evaluation tools used 85
in an examination for licensure as a nursing home administrator 86
that the board of executives of long-term services and supports 87
administers under section 4751.15 of the Revised Code or 88
contracts under that section with a private or government entity 89
to administer; 90

(v) Records the release of which is prohibited by state or 91
federal law; 92

(w) Proprietary information of or relating to any person 93
that is submitted to or compiled by the Ohio venture capital 94
authority created under section 150.01 of the Revised Code; 95

(x) Financial statements and data any person submits for 96
any purpose to the Ohio housing finance agency or the 97
controlling board in connection with applying for, receiving, or 98
accounting for financial assistance from the agency, and 99
information that identifies any individual who benefits directly 100
or indirectly from financial assistance from the agency; 101

(y) Records listed in section 5101.29 of the Revised Code; 102

(z) Discharges recorded with a county recorder under	103
section 317.24 of the Revised Code, as specified in division (B)	104
(2) of that section;	105
(aa) Usage information including names and addresses of	106
specific residential and commercial customers of a municipally	107
owned or operated public utility;	108
(bb) Records described in division (C) of section 187.04	109
of the Revised Code that are not designated to be made available	110
to the public as provided in that division;	111
(cc) Information and records that are made confidential,	112
privileged, and not subject to disclosure under divisions (B)	113
and (C) of section 2949.221 of the Revised Code;	114
(dd) Personal information, as defined in section 149.45 of	115
the Revised Code;	116
(ee) The confidential name, address, and other personally	117
identifiable information of a program participant in the address	118
confidentiality program established under sections 111.41 to	119
111.47 of the Revised Code, including the contents of any	120
application for absent voter's ballots, absent voter's ballot	121
identification envelope statement of voter, or provisional	122
ballot affirmation completed by a program participant who has a	123
confidential voter registration record; records or portions of	124
records pertaining to that program that identify the number of	125
program participants that reside within a precinct, ward,	126
township, municipal corporation, county, or any other geographic	127
area smaller than the state; and any real property	128
confidentiality notice filed under section 111.431 of the	129
Revised Code and the information described in division (C) of	130
that section. As used in this division, "confidential address"	131

and "program participant" have the meaning defined in section 132
111.41 of the Revised Code. 133

(ff) Orders for active military service of an individual 134
serving or with previous service in the armed forces of the 135
United States, including a reserve component, or the Ohio 136
organized militia, except that, such order becomes a public 137
record on the day that is fifteen years after the published date 138
or effective date of the call to order; 139

(gg) The name, address, contact information, or other 140
personal information of an individual who is less than eighteen 141
years of age that is included in any record related to a traffic 142
accident involving a school vehicle in which the individual was 143
an occupant at the time of the accident; 144

(hh) Protected health information, as defined in 45 C.F.R. 145
160.103, that is in a claim for payment for a health care 146
product, service, or procedure, as well as any other health 147
claims data in another document that reveals the identity of an 148
individual who is the subject of the data or could be used to 149
reveal that individual's identity; 150

(ii) Any depiction by photograph, film, videotape, or 151
printed or digital image under either of the following 152
circumstances: 153

(i) The depiction is that of a victim of an offense the 154
release of which would be, to a reasonable person of ordinary 155
sensibilities, an offensive and objectionable intrusion into the 156
victim's expectation of bodily privacy and integrity. 157

(ii) The depiction captures or depicts the victim of a 158
sexually oriented offense, as defined in section 2950.01 of the 159
Revised Code, at the actual occurrence of that offense. 160

(jj) Restricted portions of a body-worn camera or dashboard camera recording;	161 162
(kk) In the case of a fetal-infant mortality review board acting under sections 3707.70 to 3707.77 of the Revised Code, records, documents, reports, or other information presented to the board or a person abstracting such materials on the board's behalf, statements made by review board members during board meetings, all work products of the board, and data submitted by the board to the department of health or a national infant death review database, other than the report prepared pursuant to section 3707.77 of the Revised Code.	163 164 165 166 167 168 169 170 171
(ll) Records, documents, reports, or other information presented to the pregnancy-associated mortality review board established under section 3738.01 of the Revised Code, statements made by board members during board meetings, all work products of the board, and data submitted by the board to the department of health, other than the biennial reports prepared under section 3738.08 of the Revised Code;	172 173 174 175 176 177 178
(mm) Except as otherwise provided in division (A) (1) (oo) of this section, telephone numbers for a victim, as defined in section 2930.01 of the Revised Code or a witness to a crime that are listed on any law enforcement record or report.	179 180 181 182
(nn) A preneed funeral contract, as defined in section 4717.01 of the Revised Code, and contract terms and personally identifying information of a preneed funeral contract, that is contained in a report submitted by or for a funeral home to the board of embalmers and funeral directors under division (C) of section 4717.13, division (J) of section 4717.31, or section 4717.41 of the Revised Code.	183 184 185 186 187 188 189

(oo) Telephone numbers for a party to a motor vehicle	190
accident subject to the requirements of section 5502.11 of the	191
Revised Code that are listed on any law enforcement record or	192
report, except that the telephone numbers described in this	193
division are not excluded from the definition of "public record"	194
under this division on and after the thirtieth day after the	195
occurrence of the motor vehicle accident.	196
(pp) Records pertaining to individuals who complete	197
training under section 5502.703 of the Revised Code to be	198
permitted by a school district board of education or governing	199
body of a community school established under Chapter 3314. of	200
the Revised Code, a STEM school established under Chapter 3326.	201
of the Revised Code, or a chartered nonpublic school to convey	202
deadly weapons or dangerous ordnance into a school safety zone;	203
(qq) Records, documents, reports, or other information	204
presented to a domestic violence fatality review board	205
established under section 307.651 of the Revised Code,	206
statements made by board members during board meetings, all work	207
products of the board, and data submitted by the board to the	208
department of health, other than a report prepared pursuant to	209
section 307.656 of the Revised Code;	210
(rr) Records, documents, and information the release of	211
which is prohibited under sections 2930.04 and 2930.07 of the	212
Revised Code;	213
(ss) Records of an existing qualified nonprofit	214
corporation that creates a special improvement district under	215
Chapter 1710. of the Revised Code that do not pertain to a	216
purpose for which the district is created;	217
<u>(tt) An application for a request to be enrolled in or</u>	218

removed from the do not possess firearms registry created under 219
section 2923.22 of the Revised Code and any other personal 220
identifying information contained in or related to the registry. 221

A record that is not a public record under division (A) (1) 222
of this section and that, under law, is permanently retained 223
becomes a public record on the day that is seventy-five years 224
after the day on which the record was created, except for any 225
record protected by the attorney-client privilege, a trial 226
preparation record as defined in this section, a statement 227
prohibiting the release of identifying information signed under 228
section 3107.083 of the Revised Code, a denial of release form 229
filed pursuant to section 3107.46 of the Revised Code, or any 230
record that is exempt from release or disclosure under section 231
149.433 of the Revised Code. If the record is a birth 232
certificate and a biological parent's name redaction request 233
form has been accepted under section 3107.391 of the Revised 234
Code, the name of that parent shall be redacted from the birth 235
certificate before it is released under this paragraph. If any 236
other section of the Revised Code establishes a time period for 237
disclosure of a record that conflicts with the time period 238
specified in this section, the time period in the other section 239
prevails. 240

(2) "Confidential law enforcement investigatory record" 241
means any record that pertains to a law enforcement matter of a 242
criminal, quasi-criminal, civil, or administrative nature, but 243
only to the extent that the release of the record would create a 244
high probability of disclosure of any of the following: 245

(a) The identity of a suspect who has not been charged 246
with the offense to which the record pertains, or of an 247
information source or witness to whom confidentiality has been 248

reasonably promised;	249
(b) Information provided by an information source or	250
witness to whom confidentiality has been reasonably promised,	251
which information would reasonably tend to disclose the source's	252
or witness's identity;	253
(c) Specific confidential investigatory techniques or	254
procedures or specific investigatory work product;	255
(d) Information that would endanger the life or physical	256
safety of law enforcement personnel, a crime victim, a witness,	257
or a confidential information source.	258
(3) "Medical record" means any document or combination of	259
documents, except births, deaths, and the fact of admission to	260
or discharge from a hospital, that pertains to the medical	261
history, diagnosis, prognosis, or medical condition of a patient	262
and that is generated and maintained in the process of medical	263
treatment.	264
(4) "Trial preparation record" means any record that	265
contains information that is specifically compiled in reasonable	266
anticipation of, or in defense of, a civil or criminal action or	267
proceeding, including the independent thought processes and	268
personal trial preparation of an attorney.	269
(5) "Intellectual property record" means a record, other	270
than a financial or administrative record, that is produced or	271
collected by or for faculty or staff of a state institution of	272
higher learning in the conduct of or as a result of study or	273
research on an educational, commercial, scientific, artistic,	274
technical, or scholarly issue, regardless of whether the study	275
or research was sponsored by the institution alone or in	276
conjunction with a governmental body or private concern, and	277

that has not been publicly released, published, or patented.	278
(6) "Donor profile record" means all records about donors	279
or potential donors to a public institution of higher education	280
except the names and reported addresses of the actual donors and	281
the date, amount, and conditions of the actual donation.	282
(7) "Designated public service worker" means a peace	283
officer, parole officer, probation officer, bailiff, prosecuting	284
attorney, assistant prosecuting attorney, correctional employee,	285
county or multicounty corrections officer, community-based	286
correctional facility employee, designated Ohio national guard	287
member, protective services worker, youth services employee,	288
firefighter, EMT, medical director or member of a cooperating	289
physician advisory board of an emergency medical service	290
organization, state board of pharmacy employee, investigator of	291
the bureau of criminal identification and investigation,	292
emergency service telecommunicator, forensic mental health	293
provider, mental health evaluation provider, regional	294
psychiatric hospital employee, judge, magistrate, or federal law	295
enforcement officer.	296
(8) "Designated public service worker residential and	297
familial information" means any information that discloses any	298
of the following about a designated public service worker:	299
(a) The address of the actual personal residence of a	300
designated public service worker, except for the following	301
information:	302
(i) The address of the actual personal residence of a	303
prosecuting attorney or judge; and	304
(ii) The state or political subdivision in which a	305
designated public service worker resides.	306

(b) Information compiled from referral to or participation in an employee assistance program;	307 308
(c) The social security number, the residential telephone number, any bank account, debit card, charge card, or credit card number, or the emergency telephone number of, or any medical information pertaining to, a designated public service worker;	309 310 311 312 313
(d) The name of any beneficiary of employment benefits, including, but not limited to, life insurance benefits, provided to a designated public service worker by the designated public service worker's employer;	314 315 316 317
(e) The identity and amount of any charitable or employment benefit deduction made by the designated public service worker's employer from the designated public service worker's compensation, unless the amount of the deduction is required by state or federal law;	318 319 320 321 322
(f) The name, the residential address, the name of the employer, the address of the employer, the social security number, the residential telephone number, any bank account, debit card, charge card, or credit card number, or the emergency telephone number of the spouse, a former spouse, or any child of a designated public service worker;	323 324 325 326 327 328
(g) A photograph of a peace officer who holds a position or has an assignment that may include undercover or plain clothes positions or assignments as determined by the peace officer's appointing authority.	329 330 331 332
(9) As used in divisions (A) (7) and (15) to (17) of this section:	333 334
"Peace officer" has the meaning defined in section 109.71	335

of the Revised Code and also includes the superintendent and 336
troopers of the state highway patrol; it does not include the 337
sheriff of a county or a supervisory employee who, in the 338
absence of the sheriff, is authorized to stand in for, exercise 339
the authority of, and perform the duties of the sheriff. 340

"Correctional employee" means any employee of the 341
department of rehabilitation and correction who in the course of 342
performing the employee's job duties has or has had contact with 343
inmates and persons under supervision. 344

"County or multicounty corrections officer" means any 345
corrections officer employed by any county or multicounty 346
correctional facility. 347

"Designated Ohio national guard member" means a member of 348
the Ohio national guard who is participating in duties related 349
to remotely piloted aircraft, including, but not limited to, 350
pilots, sensor operators, and mission intelligence personnel, 351
duties related to special forces operations, or duties related 352
to cybersecurity, and is designated by the adjutant general as a 353
designated public service worker for those purposes. 354

"Protective services worker" means any employee of a 355
county agency who is responsible for child protective services, 356
child support services, or adult protective services. 357

"Youth services employee" means any employee of the 358
department of youth services who in the course of performing the 359
employee's job duties has or has had contact with children 360
committed to the custody of the department of youth services. 361

"Firefighter" means any regular, paid or volunteer, member 362
of a lawfully constituted fire department of a municipal 363
corporation, township, fire district, or village. 364

"EMT" means EMTs-basic, EMTs-I, and paramedics that provide emergency medical services for a public emergency medical service organization. "Emergency medical service organization," "EMT-basic," "EMT-I," and "paramedic" have the meanings defined in section 4765.01 of the Revised Code.

"Investigator of the bureau of criminal identification and investigation" has the meaning defined in section 2903.11 of the Revised Code.

"Emergency service telecommunicator" means an individual employed by an emergency service provider as defined under section 128.01 of the Revised Code, whose primary responsibility is to be an operator for the receipt or processing of calls for emergency services made by telephone, radio, or other electronic means.

"Forensic mental health provider" means any employee of a community mental health service provider or local alcohol, drug addiction, and mental health services board who, in the course of the employee's duties, has contact with persons committed to a local alcohol, drug addiction, and mental health services board by a court order pursuant to section 2945.38, 2945.39, 2945.40, or 2945.402 of the Revised Code.

"Mental health evaluation provider" means an individual who, under Chapter 5122. of the Revised Code, examines a respondent who is alleged to be a mentally ill person subject to court order, as defined in section 5122.01 of the Revised Code, and reports to the probate court the respondent's mental condition.

"Regional psychiatric hospital employee" means any employee of the department of mental health and addiction

services who, in the course of performing the employee's duties, 394
has contact with patients committed to the department of mental 395
health and addiction services by a court order pursuant to 396
section 2945.38, 2945.39, 2945.40, or 2945.402 of the Revised 397
Code. 398

"Federal law enforcement officer" has the meaning defined 399
in section 9.88 of the Revised Code. 400

(10) "Information pertaining to the recreational 401
activities of a person under the age of eighteen" means 402
information that is kept in the ordinary course of business by a 403
public office, that pertains to the recreational activities of a 404
person under the age of eighteen years, and that discloses any 405
of the following: 406

(a) The address or telephone number of a person under the 407
age of eighteen or the address or telephone number of that 408
person's parent, guardian, custodian, or emergency contact 409
person; 410

(b) The social security number, birth date, or 411
photographic image of a person under the age of eighteen; 412

(c) Any medical record, history, or information pertaining 413
to a person under the age of eighteen; 414

(d) Any additional information sought or required about a 415
person under the age of eighteen for the purpose of allowing 416
that person to participate in any recreational activity 417
conducted or sponsored by a public office or to use or obtain 418
admission privileges to any recreational facility owned or 419
operated by a public office. 420

(11) "Community control sanction" has the meaning defined 421
in section 2929.01 of the Revised Code. 422

- (12) "Post-release control sanction" has the meaning defined in section 2967.01 of the Revised Code. 423
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- (13) "Redaction" means obscuring or deleting any information that is exempt from the duty to permit public inspection or copying from an item that otherwise meets the definition of a "record" in section 149.011 of the Revised Code. 425
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- (14) "Designee," "elected official," and "future official" have the meanings defined in section 109.43 of the Revised Code. 429
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- (15) "Body-worn camera" means a visual and audio recording device worn on the person of a correctional employee, youth services employee, or peace officer while the correctional employee, youth services employee, or peace officer is engaged in the performance of official duties. 431
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- (16) "Dashboard camera" means a visual and audio recording device mounted on a peace officer's vehicle or vessel that is used while the peace officer is engaged in the performance of the peace officer's duties. 436
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- (17) "Restricted portions of a body-worn camera or dashboard camera recording" means any visual or audio portion of a body-worn camera or dashboard camera recording that shows, communicates, or discloses any of the following: 440
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- (a) The image or identity of a child or information that could lead to the identification of a child who is a primary subject of the recording when the department of rehabilitation and correction, department of youth services, or the law enforcement agency knows or has reason to know the person is a child based on the department's or law enforcement agency's records or the content of the recording; 444
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- (b) The death of a person or a deceased person's body, 451

unless the death was caused by a correctional employee, youth 452
services employee, or peace officer or, subject to division (H) 453
(1) of this section, the consent of the decedent's executor or 454
administrator has been obtained; 455

(c) The death of a correctional employee, youth services 456
employee, peace officer, firefighter, paramedic, or other first 457
responder, occurring while the decedent was engaged in the 458
performance of official duties, unless, subject to division (H) 459
(1) of this section, the consent of the decedent's executor or 460
administrator has been obtained; 461

(d) Grievous bodily harm, unless the injury was effected 462
by a correctional employee, youth services employee, or peace 463
officer or, subject to division (H) (1) of this section, the 464
consent of the injured person or the injured person's guardian 465
has been obtained; 466

(e) An act of severe violence against a person that 467
results in serious physical harm to the person, unless the act 468
and injury was effected by a correctional employee, youth 469
services employee, or peace officer or, subject to division (H) 470
(1) of this section, the consent of the injured person or the 471
injured person's guardian has been obtained; 472

(f) Grievous bodily harm to a correctional employee, youth 473
services employee, peace officer, firefighter, paramedic, or 474
other first responder, occurring while the injured person was 475
engaged in the performance of official duties, unless, subject 476
to division (H) (1) of this section, the consent of the injured 477
person or the injured person's guardian has been obtained; 478

(g) An act of severe violence resulting in serious 479
physical harm against a correctional employee, youth services 480

employee, peace officer, firefighter, paramedic, or other first responder, occurring while the injured person was engaged in the performance of official duties, unless, subject to division (H) (1) of this section, the consent of the injured person or the injured person's guardian has been obtained; 481
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(h) A person's nude body, unless, subject to division (H) (1) of this section, the person's consent has been obtained; 486
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(i) Protected health information, the identity of a person in a health care facility who is not the subject of a correctional, youth services, or law enforcement encounter, or any other information in a health care facility that could identify a person who is not the subject of a correctional, youth services, or law enforcement encounter; 488
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(j) Information that could identify the alleged victim of a sex offense, menacing by stalking, or domestic violence; 494
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(k) Information, that does not constitute a confidential law enforcement investigatory record, that could identify a person who provides sensitive or confidential information to the department of rehabilitation and correction, the department of youth services, or a law enforcement agency when the disclosure of the person's identity or the information provided could reasonably be expected to threaten or endanger the safety or property of the person or another person; 496
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(l) Personal information of a person who is not arrested, cited, charged, or issued a written warning by a peace officer; 504
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(m) Proprietary correctional, youth services, or police contingency plans or tactics that are intended to prevent crime and maintain public order and safety; 506
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(n) A personal conversation unrelated to work between 509

correctional employees, youth services employees, or peace officers or between a correctional employee, youth services employee, or peace officer and an employee of a law enforcement agency; 510
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(o) A conversation between a correctional employee, youth services employee, or peace officer and a member of the public that does not concern correctional, youth services, or law enforcement activities; 514
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(p) The interior of a residence, unless the interior of a residence is the location of an adversarial encounter with, or a use of force by, a correctional employee, youth services employee, or peace officer; 518
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(q) Any portion of the interior of a private business that is not open to the public, unless an adversarial encounter with, or a use of force by, a correctional employee, youth services employee, or peace officer occurs in that location. 522
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As used in division (A) (17) of this section: 526

"Grievous bodily harm" has the same meaning as in section 5924.120 of the Revised Code. 527
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"Health care facility" has the same meaning as in section 1337.11 of the Revised Code. 529
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"Protected health information" has the same meaning as in 45 C.F.R. 160.103. 531
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"Law enforcement agency" means a government entity that employs peace officers to perform law enforcement duties. 533
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"Personal information" means any government-issued identification number, date of birth, address, financial information, or criminal justice information from the law 535
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enforcement automated data system or similar databases. 538

"Sex offense" has the same meaning as in section 2907.10 539
of the Revised Code. 540

"Firefighter," "paramedic," and "first responder" have the 541
same meanings as in section 4765.01 of the Revised Code. 542

(B) (1) Upon request by any person and subject to division 543
(B) (8) of this section, all public records responsive to the 544
request shall be promptly prepared and made available for 545
inspection to the requester at all reasonable times during 546
regular business hours. Subject to division (B) (8) of this 547
section, upon request by any person, a public office or person 548
responsible for public records shall make copies of the 549
requested public record available to the requester at cost and 550
within a reasonable period of time. If a public record contains 551
information that is exempt from the duty to permit public 552
inspection or to copy the public record, the public office or 553
the person responsible for the public record shall make 554
available all of the information within the public record that 555
is not exempt. When making that public record available for 556
public inspection or copying that public record, the public 557
office or the person responsible for the public record shall 558
notify the requester of any redaction or make the redaction 559
plainly visible. A redaction shall be deemed a denial of a 560
request to inspect or copy the redacted information, except if 561
federal or state law authorizes or requires a public office to 562
make the redaction. When the auditor of state receives a request 563
to inspect or to make a copy of a record that was provided to 564
the auditor of state for purposes of an audit, but the original 565
public office has asserted to the auditor of state that the 566
record is not a public record, the auditor of state may handle 567

the requests by directing the requestor to the original public 568
office that provided the record to the auditor of state. 569

(2) To facilitate broader access to public records, a 570
public office or the person responsible for public records shall 571
organize and maintain public records in a manner that they can 572
be made available for inspection or copying in accordance with 573
division (B) of this section. A public office also shall have 574
available a copy of its current records retention schedule at a 575
location readily available to the public. If a requester makes 576
an ambiguous or overly broad request or has difficulty in making 577
a request for copies or inspection of public records under this 578
section such that the public office or the person responsible 579
for the requested public record cannot reasonably identify what 580
public records are being requested, the public office or the 581
person responsible for the requested public record may deny the 582
request but shall provide the requester with an opportunity to 583
revise the request by informing the requester of the manner in 584
which records are maintained by the public office and accessed 585
in the ordinary course of the public office's or person's 586
duties. 587

(3) If a request is ultimately denied, in part or in 588
whole, the public office or the person responsible for the 589
requested public record shall provide the requester with an 590
explanation, including legal authority, setting forth why the 591
request was denied. If the initial request was provided in 592
writing, the explanation also shall be provided to the requester 593
in writing. The explanation shall not preclude the public office 594
or the person responsible for the requested public record from 595
relying upon additional reasons or legal authority in defending 596
an action commenced under division (C) of this section. 597

(4) Unless specifically required or authorized by state or federal law or in accordance with division (B) of this section, no public office or person responsible for public records may limit or condition the availability of public records by requiring disclosure of the requester's identity or the intended use of the requested public record. Any requirement that the requester disclose the requester's identity or the intended use of the requested public record constitutes a denial of the request.

(5) A public office or person responsible for public records may ask a requester to make the request in writing, may ask for the requester's identity, and may inquire about the intended use of the information requested, but may do so only after disclosing to the requester that a written request is not mandatory, that the requester may decline to reveal the requester's identity or the intended use, and when a written request or disclosure of the identity or intended use would benefit the requester by enhancing the ability of the public office or person responsible for public records to identify, locate, or deliver the public records sought by the requester.

(6) If any person requests a copy of a public record in accordance with division (B) of this section, the public office or person responsible for the public record may require the requester to pay in advance the cost involved in providing the copy of the public record in accordance with the choice made by the requester under this division. The public office or the person responsible for the public record shall permit the requester to choose to have the public record duplicated upon paper, upon the same medium upon which the public office or person responsible for the public record keeps it, or upon any other medium upon which the public office or person responsible

for the public record determines that it reasonably can be 629
duplicated as an integral part of the normal operations of the 630
public office or person responsible for the public record. When 631
the requester makes a choice under this division, the public 632
office or person responsible for the public record shall provide 633
a copy of it in accordance with the choice made by the 634
requester. Nothing in this section requires a public office or 635
person responsible for the public record to allow the requester 636
of a copy of the public record to make the copies of the public 637
record. 638

(7) (a) Upon a request made in accordance with division (B) 639
of this section and subject to division (B) (6) of this section, 640
a public office or person responsible for public records shall 641
transmit a copy of a public record to any person by United 642
States mail or by any other means of delivery or transmission 643
within a reasonable period of time after receiving the request 644
for the copy. The public office or person responsible for the 645
public record may require the person making the request to pay 646
in advance the cost of postage if the copy is transmitted by 647
United States mail or the cost of delivery if the copy is 648
transmitted other than by United States mail, and to pay in 649
advance the costs incurred for other supplies used in the 650
mailing, delivery, or transmission. 651

(b) Any public office may adopt a policy and procedures 652
that it will follow in transmitting, within a reasonable period 653
of time after receiving a request, copies of public records by 654
United States mail or by any other means of delivery or 655
transmission pursuant to division (B) (7) of this section. A 656
public office that adopts a policy and procedures under division 657
(B) (7) of this section shall comply with them in performing its 658
duties under that division. 659

(c) In any policy and procedures adopted under division 660
(B) (7) of this section: 661

(i) A public office may limit the number of records 662
requested by a person that the office will physically deliver by 663
United States mail or by another delivery service to ten per 664
month, unless the person certifies to the office in writing that 665
the person does not intend to use or forward the requested 666
records, or the information contained in them, for commercial 667
purposes; 668

(ii) A public office that chooses to provide some or all 669
of its public records on a web site that is fully accessible to 670
and searchable by members of the public at all times, other than 671
during acts of God outside the public office's control or 672
maintenance, and that charges no fee to search, access, 673
download, or otherwise receive records provided on the web site, 674
may limit to ten per month the number of records requested by a 675
person that the office will deliver in a digital format, unless 676
the requested records are not provided on the web site and 677
unless the person certifies to the office in writing that the 678
person does not intend to use or forward the requested records, 679
or the information contained in them, for commercial purposes. 680

(iii) For purposes of division (B) (7) of this section, 681
"commercial" shall be narrowly construed and does not include 682
reporting or gathering news, reporting or gathering information 683
to assist citizen oversight or understanding of the operation or 684
activities of government, or nonprofit educational research. 685

(8) A public office or person responsible for public 686
records is not required to permit a person who is incarcerated 687
pursuant to a criminal conviction or a juvenile adjudication to 688
inspect or to obtain a copy of any public record concerning a 689

criminal investigation or prosecution or concerning what would 690
be a criminal investigation or prosecution if the subject of the 691
investigation or prosecution were an adult, unless the request 692
to inspect or to obtain a copy of the record is for the purpose 693
of acquiring information that is subject to release as a public 694
record under this section and the judge who imposed the sentence 695
or made the adjudication with respect to the person, or the 696
judge's successor in office, finds that the information sought 697
in the public record is necessary to support what appears to be 698
a justiciable claim of the person. 699

(9) (a) Upon written request made and signed by a 700
journalist, a public office, or person responsible for public 701
records, having custody of the records of the agency employing a 702
specified designated public service worker shall disclose to the 703
journalist the address of the actual personal residence of the 704
designated public service worker and, if the designated public 705
service worker's spouse, former spouse, or child is employed by 706
a public office, the name and address of the employer of the 707
designated public service worker's spouse, former spouse, or 708
child. The request shall include the journalist's name and title 709
and the name and address of the journalist's employer and shall 710
state that disclosure of the information sought would be in the 711
public interest. 712

(b) Division (B) (9) (a) of this section also applies to 713
journalist requests for: 714

(i) Customer information maintained by a municipally owned 715
or operated public utility, other than social security numbers 716
and any private financial information such as credit reports, 717
payment methods, credit card numbers, and bank account 718
information; 719

(ii) Information about minors involved in a school vehicle accident as provided in division (A) (1) (gg) of this section, other than personal information as defined in section 149.45 of the Revised Code.

(c) As used in division (B) (9) of this section, "journalist" means a person engaged in, connected with, or employed by any news medium, including a newspaper, magazine, press association, news agency, or wire service, a radio or television station, or a similar medium, for the purpose of gathering, processing, transmitting, compiling, editing, or disseminating information for the general public.

(10) Upon a request made by a victim, victim's attorney, or victim's representative, as that term is used in section 2930.02 of the Revised Code, a public office or person responsible for public records shall transmit a copy of a depiction of the victim as described in division (A) (1) (ii) of this section to the victim, victim's attorney, or victim's representative.

(C) (1) If a person allegedly is aggrieved by the failure of a public office or the person responsible for public records to promptly prepare a public record and to make it available to the person for inspection in accordance with division (B) of this section or by any other failure of a public office or the person responsible for public records to comply with an obligation in accordance with division (B) of this section, the person allegedly aggrieved may do only one of the following, and not both:

(a) File a complaint with the clerk of the court of claims or the clerk of the court of common pleas under section 2743.75 of the Revised Code;

(b) Commence a mandamus action to obtain a judgment that 750
orders the public office or the person responsible for the 751
public record to comply with division (B) of this section, that 752
awards court costs and reasonable attorney's fees to the person 753
that instituted the mandamus action, and, if applicable, that 754
includes an order fixing statutory damages under division (C) (2) 755
of this section. The mandamus action may be commenced in the 756
court of common pleas of the county in which division (B) of 757
this section allegedly was not complied with, in the supreme 758
court pursuant to its original jurisdiction under Section 2 of 759
Article IV, Ohio Constitution, or in the court of appeals for 760
the appellate district in which division (B) of this section 761
allegedly was not complied with pursuant to its original 762
jurisdiction under Section 3 of Article IV, Ohio Constitution. 763

(2) If a requester transmits a written request by hand 764
delivery, electronic submission, or certified mail to inspect or 765
receive copies of any public record in a manner that fairly 766
describes the public record or class of public records to the 767
public office or person responsible for the requested public 768
records, except as otherwise provided in this section, the 769
requester shall be entitled to recover the amount of statutory 770
damages set forth in this division if a court determines that 771
the public office or the person responsible for public records 772
failed to comply with an obligation in accordance with division 773
(B) of this section. 774

The amount of statutory damages shall be fixed at one 775
hundred dollars for each business day during which the public 776
office or person responsible for the requested public records 777
failed to comply with an obligation in accordance with division 778
(B) of this section, beginning with the day on which the 779
requester files a mandamus action to recover statutory damages, 780

up to a maximum of one thousand dollars. The award of statutory damages shall not be construed as a penalty, but as compensation for injury arising from lost use of the requested information. The existence of this injury shall be conclusively presumed. The award of statutory damages shall be in addition to all other remedies authorized by this section.

The court may reduce an award of statutory damages or not award statutory damages if the court determines both of the following:

(a) That, based on the ordinary application of statutory law and case law as it existed at the time of the conduct or threatened conduct of the public office or person responsible for the requested public records that allegedly constitutes a failure to comply with an obligation in accordance with division (B) of this section and that was the basis of the mandamus action, a well-informed public office or person responsible for the requested public records reasonably would believe that the conduct or threatened conduct of the public office or person responsible for the requested public records did not constitute a failure to comply with an obligation in accordance with division (B) of this section;

(b) That a well-informed public office or person responsible for the requested public records reasonably would believe that the conduct or threatened conduct of the public office or person responsible for the requested public records would serve the public policy that underlies the authority that is asserted as permitting that conduct or threatened conduct.

(3) In a mandamus action filed under division (C) (1) of this section, the following apply:

(a) (i) If the court orders the public office or the person responsible for the public record to comply with division (B) of this section, the court shall determine and award to the relator all court costs, which shall be construed as remedial and not punitive.

(ii) If the court makes a determination described in division (C) (3) (b) (iii) of this section, the court shall determine and award to the relator all court costs, which shall be construed as remedial and not punitive.

(b) If the court renders a judgment that orders the public office or the person responsible for the public record to comply with division (B) of this section or if the court determines any of the following, the court may award reasonable attorney's fees to the relator, subject to division (C) (4) of this section:

(i) The public office or the person responsible for the public records failed to respond affirmatively or negatively to the public records request in accordance with the time allowed under division (B) of this section.

(ii) The public office or the person responsible for the public records promised to permit the relator to inspect or receive copies of the public records requested within a specified period of time but failed to fulfill that promise within that specified period of time.

(iii) The public office or the person responsible for the public records acted in bad faith when the office or person voluntarily made the public records available to the relator for the first time after the relator commenced the mandamus action, but before the court issued any order concluding whether or not the public office or person was required to comply with division

(B) of this section. No discovery may be conducted on the issue 839
of the alleged bad faith of the public office or person 840
responsible for the public records. This division shall not be 841
construed as creating a presumption that the public office or 842
the person responsible for the public records acted in bad faith 843
when the office or person voluntarily made the public records 844
available to the relator for the first time after the relator 845
commenced the mandamus action, but before the court issued any 846
order described in this division. 847

(c) The court shall not award attorney's fees to the 848
relator if the court determines both of the following: 849

(i) That, based on the ordinary application of statutory 850
law and case law as it existed at the time of the conduct or 851
threatened conduct of the public office or person responsible 852
for the requested public records that allegedly constitutes a 853
failure to comply with an obligation in accordance with division 854
(B) of this section and that was the basis of the mandamus 855
action, a well-informed public office or person responsible for 856
the requested public records reasonably would believe that the 857
conduct or threatened conduct of the public office or person 858
responsible for the requested public records did not constitute 859
a failure to comply with an obligation in accordance with 860
division (B) of this section; 861

(ii) That a well-informed public office or person 862
responsible for the requested public records reasonably would 863
believe that the conduct or threatened conduct of the public 864
office or person responsible for the requested public records 865
would serve the public policy that underlies the authority that 866
is asserted as permitting that conduct or threatened conduct. 867

(4) All of the following apply to any award of reasonable 868

attorney's fees awarded under division (C) (3) (b) of this section: 869
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(a) The fees shall be construed as remedial and not punitive. 871
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(b) The fees awarded shall not exceed the total of the reasonable attorney's fees incurred before the public record was made available to the relator and the fees described in division (C) (4) (c) of this section. 873
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(c) Reasonable attorney's fees shall include reasonable fees incurred to produce proof of the reasonableness and amount of the fees and to otherwise litigate entitlement to the fees. 877
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(d) The court may reduce the amount of fees awarded if the court determines that, given the factual circumstances involved with the specific public records request, an alternative means should have been pursued to more effectively and efficiently resolve the dispute that was subject to the mandamus action filed under division (C) (1) of this section. 880
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(5) If the court does not issue a writ of mandamus under division (C) of this section and the court determines at that time that the bringing of the mandamus action was frivolous conduct as defined in division (A) of section 2323.51 of the Revised Code, the court may award to the public office all court costs, expenses, and reasonable attorney's fees, as determined by the court. 886
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(D) Chapter 1347. of the Revised Code does not limit the provisions of this section. 893
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(E) (1) To ensure that all employees of public offices are appropriately educated about a public office's obligations under division (B) of this section, all elected officials or their 895
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appropriate designees shall attend training approved by the 898
attorney general as provided in section 109.43 of the Revised 899
Code. A future official may satisfy the requirements of this 900
division by attending the training before taking office, 901
provided that the future official may not send a designee in the 902
future official's place. 903

(2) All public offices shall adopt a public records policy 904
in compliance with this section for responding to public records 905
requests. In adopting a public records policy under this 906
division, a public office may obtain guidance from the model 907
public records policy developed and provided to the public 908
office by the attorney general under section 109.43 of the 909
Revised Code. Except as otherwise provided in this section, the 910
policy may not limit the number of public records that the 911
public office will make available to a single person, may not 912
limit the number of public records that it will make available 913
during a fixed period of time, and may not establish a fixed 914
period of time before it will respond to a request for 915
inspection or copying of public records, unless that period is 916
less than eight hours. 917

The public office shall distribute the public records 918
policy adopted by the public office under this division to the 919
employee of the public office who is the records custodian or 920
records manager or otherwise has custody of the records of that 921
office. The public office shall require that employee to 922
acknowledge receipt of the copy of the public records policy. 923
The public office shall create a poster that describes its 924
public records policy and shall post the poster in a conspicuous 925
place in the public office and in all locations where the public 926
office has branch offices. The public office may post its public 927
records policy on the internet web site of the public office if 928

the public office maintains an internet web site. A public 929
office that has established a manual or handbook of its general 930
policies and procedures for all employees of the public office 931
shall include the public records policy of the public office in 932
the manual or handbook. 933

(F) (1) The bureau of motor vehicles may adopt rules 934
pursuant to Chapter 119. of the Revised Code to reasonably limit 935
the number of bulk commercial special extraction requests made 936
by a person for the same records or for updated records during a 937
calendar year. The rules may include provisions for charges to 938
be made for bulk commercial special extraction requests for the 939
actual cost of the bureau, plus special extraction costs, plus 940
ten per cent. The bureau may charge for expenses for redacting 941
information, the release of which is prohibited by law. 942

(2) As used in division (F) (1) of this section: 943

(a) "Actual cost" means the cost of depleted supplies, 944
records storage media costs, actual mailing and alternative 945
delivery costs, or other transmitting costs, and any direct 946
equipment operating and maintenance costs, including actual 947
costs paid to private contractors for copying services. 948

(b) "Bulk commercial special extraction request" means a 949
request for copies of a record for information in a format other 950
than the format already available, or information that cannot be 951
extracted without examination of all items in a records series, 952
class of records, or database by a person who intends to use or 953
forward the copies for surveys, marketing, solicitation, or 954
resale for commercial purposes. "Bulk commercial special 955
extraction request" does not include a request by a person who 956
gives assurance to the bureau that the person making the request 957
does not intend to use or forward the requested copies for 958

surveys, marketing, solicitation, or resale for commercial 959
purposes. 960

(c) "Commercial" means profit-seeking production, buying, 961
or selling of any good, service, or other product. 962

(d) "Special extraction costs" means the cost of the time 963
spent by the lowest paid employee competent to perform the task, 964
the actual amount paid to outside private contractors employed 965
by the bureau, or the actual cost incurred to create computer 966
programs to make the special extraction. "Special extraction 967
costs" include any charges paid to a public agency for computer 968
or records services. 969

(3) For purposes of divisions (F) (1) and (2) of this 970
section, "surveys, marketing, solicitation, or resale for 971
commercial purposes" shall be narrowly construed and does not 972
include reporting or gathering news, reporting or gathering 973
information to assist citizen oversight or understanding of the 974
operation or activities of government, or nonprofit educational 975
research. 976

(G) A request by a defendant, counsel of a defendant, or 977
any agent of a defendant in a criminal action that public 978
records related to that action be made available under this 979
section shall be considered a demand for discovery pursuant to 980
the Criminal Rules, except to the extent that the Criminal Rules 981
plainly indicate a contrary intent. The defendant, counsel of 982
the defendant, or agent of the defendant making a request under 983
this division shall serve a copy of the request on the 984
prosecuting attorney, director of law, or other chief legal 985
officer responsible for prosecuting the action. 986

(H) (1) Any portion of a body-worn camera or dashboard 987

camera recording described in divisions (A) (17) (b) to (h) of 988
this section may be released by consent of the subject of the 989
recording or a representative of that person, as specified in 990
those divisions, only if either of the following applies: 991

(a) The recording will not be used in connection with any 992
probable or pending criminal proceedings; 993

(b) The recording has been used in connection with a 994
criminal proceeding that was dismissed or for which a judgment 995
has been entered pursuant to Rule 32 of the Rules of Criminal 996
Procedure, and will not be used again in connection with any 997
probable or pending criminal proceedings. 998

(2) If a public office denies a request to release a 999
restricted portion of a body-worn camera or dashboard camera 1000
recording, as defined in division (A) (17) of this section, any 1001
person may file a mandamus action pursuant to this section or a 1002
complaint with the clerk of the court of claims pursuant to 1003
section 2743.75 of the Revised Code, requesting the court to 1004
order the release of all or portions of the recording. If the 1005
court considering the request determines that the filing 1006
articulates by clear and convincing evidence that the public 1007
interest in the recording substantially outweighs privacy 1008
interests and other interests asserted to deny release, the 1009
court shall order the public office to release the recording. 1010

Sec. 2923.11. As used in sections 2923.11 to 2923.24 of 1011
the Revised Code: 1012

(A) "Deadly weapon" means any instrument, device, or thing 1013
capable of inflicting death, and designed or specially adapted 1014
for use as a weapon, or possessed, carried, or used as a weapon. 1015

(B) (1) "Firearm" means any deadly weapon capable of 1016

expelling or propelling one or more projectiles by the action of 1017
an explosive or combustible propellant. "Firearm" includes an 1018
unloaded firearm, and any firearm that is inoperable but that 1019
can readily be rendered operable. 1020

(2) When determining whether a firearm is capable of 1021
expelling or propelling one or more projectiles by the action of 1022
an explosive or combustible propellant, the trier of fact may 1023
rely upon circumstantial evidence, including, but not limited 1024
to, the representations and actions of the individual exercising 1025
control over the firearm. 1026

(C) "Handgun" means any of the following: 1027

(1) Any firearm that has a short stock and is designed to 1028
be held and fired by the use of a single hand; 1029

(2) Any combination of parts from which a firearm of a 1030
type described in division (C) (1) of this section can be 1031
assembled. 1032

(D) "Semi-automatic firearm" means any firearm designed or 1033
specially adapted to fire a single cartridge and automatically 1034
chamber a succeeding cartridge ready to fire, with a single 1035
function of the trigger. 1036

(E) "Automatic firearm" means any firearm designed or 1037
specially adapted to fire a succession of cartridges with a 1038
single function of the trigger. 1039

(F) "Sawed-off firearm" means a shotgun with a barrel less 1040
than eighteen inches long, or a rifle with a barrel less than 1041
sixteen inches long, or a shotgun or rifle less than twenty-six 1042
inches long overall. "Sawed-off firearm" does not include any 1043
firearm with an overall length of at least twenty-six inches 1044
that is approved for sale by the federal bureau of alcohol, 1045

tobacco, firearms, and explosives under the "Gun Control Act of 1046
1968," 82 Stat. 1213, 18 U.S.C. 921(a)(3), but that is found by 1047
the bureau not to be regulated under the "National Firearms 1048
Act," 68A Stat. 725 (1934), 26 U.S.C. 5845(a). 1049

(G) "Zip-gun" means any of the following: 1050

(1) Any firearm of crude and extemporized manufacture; 1051

(2) Any device, including without limitation a starter's 1052
pistol, that is not designed as a firearm, but that is specially 1053
adapted for use as a firearm; 1054

(3) Any industrial tool, signalling device, or safety 1055
device, that is not designed as a firearm, but that as designed 1056
is capable of use as such, when possessed, carried, or used as a 1057
firearm. 1058

(H) "Explosive device" means any device designed or 1059
specially adapted to cause physical harm to persons or property 1060
by means of an explosion, and consisting of an explosive 1061
substance or agency and a means to detonate it. "Explosive 1062
device" includes without limitation any bomb, any explosive 1063
demolition device, any blasting cap or detonator containing an 1064
explosive charge, and any pressure vessel that has been 1065
knowingly tampered with or arranged so as to explode. 1066

(I) "Incendiary device" means any firebomb, and any device 1067
designed or specially adapted to cause physical harm to persons 1068
or property by means of fire, and consisting of an incendiary 1069
substance or agency and a means to ignite it. 1070

(J) "Ballistic knife" means a knife with a detachable 1071
blade that is propelled by a spring-operated mechanism. 1072

(K) "Dangerous ordnance" means any of the following, 1073

except as provided in division (L) of this section:	1074
(1) Any automatic or sawed-off firearm, zip-gun, or ballistic knife;	1075 1076
(2) Any explosive device or incendiary device;	1077
(3) Nitroglycerin, nitrocellulose, nitrostarch, PETN, cyclonite, TNT, picric acid, and other high explosives; amatol, tritonite, tetrytol, pentolite, pecretol, cyclotol, and other high explosive compositions; plastic explosives; dynamite, blasting gelatin, gelatin dynamite, sensitized ammonium nitrate, liquid-oxygen blasting explosives, blasting powder, and other blasting agents; and any other explosive substance having sufficient brisance or power to be particularly suitable for use as a military explosive, or for use in mining, quarrying, excavating, or demolitions;	1078 1079 1080 1081 1082 1083 1084 1085 1086 1087
(4) Any firearm, rocket launcher, mortar, artillery piece, grenade, mine, bomb, torpedo, or similar weapon, designed and manufactured for military purposes, and the ammunition for that weapon;	1088 1089 1090 1091
(5) Any firearm muffler or suppressor;	1092
(6) Any combination of parts that is intended by the owner for use in converting any firearm or other device into a dangerous ordnance.	1093 1094 1095
(L) "Dangerous ordnance" does not include any of the following:	1096 1097
(1) Any firearm, including a military weapon and the ammunition for that weapon, and regardless of its actual age, that employs a percussion cap or other obsolete ignition system, or that is designed and safe for use only with black powder;	1098 1099 1100 1101

(2) Any pistol, rifle, or shotgun, designed or suitable 1102
for sporting purposes, including a military weapon as issued or 1103
as modified, and the ammunition for that weapon, unless the 1104
firearm is an automatic or sawed-off firearm; 1105

(3) Any cannon or other artillery piece that, regardless 1106
of its actual age, is of a type in accepted use prior to 1887, 1107
has no mechanical, hydraulic, pneumatic, or other system for 1108
absorbing recoil and returning the tube into battery without 1109
displacing the carriage, and is designed and safe for use only 1110
with black powder; 1111

(4) Black powder, priming quills, and percussion caps 1112
possessed and lawfully used to fire a cannon of a type defined 1113
in division (L) (3) of this section during displays, 1114
celebrations, organized matches or shoots, and target practice, 1115
and smokeless and black powder, primers, and percussion caps 1116
possessed and lawfully used as a propellant or ignition device 1117
in small-arms or small-arms ammunition; 1118

(5) Dangerous ordnance that is inoperable or inert and 1119
cannot readily be rendered operable or activated, and that is 1120
kept as a trophy, souvenir, curio, or museum piece; 1121

(6) Any device that is expressly excepted from the 1122
definition of a destructive device pursuant to the "Gun Control 1123
Act of 1968," 82 Stat. 1213, 18 U.S.C. 921(a) (4), as amended, 1124
and regulations issued under that act; 1125

(7) Any firearm with an overall length of at least twenty- 1126
six inches that is approved for sale by the federal bureau of 1127
alcohol, tobacco, firearms, and explosives under the "Gun 1128
Control Act of 1968," 82 Stat. 1213, 18 U.S.C. 921(a) (3), but 1129
that is found by the bureau not to be regulated under the 1130

"National Firearms Act," 68A Stat. 725 (1934), 26 U.S.C. 1131
5845(a). 1132

(M) "Explosive" means any chemical compound, mixture, or 1133
device, the primary or common purpose of which is to function by 1134
explosion. "Explosive" includes all materials that have been 1135
classified as division 1.1, division 1.2, division 1.3, or 1136
division 1.4 explosives by the United States department of 1137
transportation in its regulations and includes, but is not 1138
limited to, dynamite, black powder, pellet powders, initiating 1139
explosives, blasting caps, electric blasting caps, safety fuses, 1140
fuse igniters, squibs, cordeau detonant fuses, instantaneous 1141
fuses, and igniter cords and igniters. "Explosive" does not 1142
include "fireworks," as defined in section 3743.01 of the 1143
Revised Code, or any substance or material otherwise meeting the 1144
definition of explosive set forth in this section that is 1145
manufactured, sold, possessed, transported, stored, or used in 1146
any activity described in section 3743.80 of the Revised Code, 1147
provided the activity is conducted in accordance with all 1148
applicable laws, rules, and regulations, including, but not 1149
limited to, the provisions of section 3743.80 of the Revised 1150
Code and the rules of the fire marshal adopted pursuant to 1151
section 3737.82 of the Revised Code. 1152

(N) (1) "Concealed handgun license" or "license to carry a 1153
concealed handgun" means, subject to division (N) (2) of this 1154
section, a license or temporary emergency license to carry a 1155
concealed handgun issued under section 2923.125 or 2923.1213 of 1156
the Revised Code or a license to carry a concealed handgun 1157
issued by another state with which the attorney general has 1158
entered into a reciprocity agreement under section 109.69 of the 1159
Revised Code. 1160

(2) A reference in any provision of the Revised Code to a
concealed handgun license issued under section 2923.125 of the
Revised Code or a license to carry a concealed handgun issued
under section 2923.125 of the Revised Code means only a license
of the type that is specified in that section. A reference in
any provision of the Revised Code to a concealed handgun license
issued under section 2923.1213 of the Revised Code, a license to
carry a concealed handgun issued under section 2923.1213 of the
Revised Code, or a license to carry a concealed handgun on a
temporary emergency basis means only a license of the type that
is specified in section 2923.1213 of the Revised Code. A
reference in any provision of the Revised Code to a concealed
handgun license issued by another state or a license to carry a
concealed handgun issued by another state means only a license
issued by another state with which the attorney general has
entered into a reciprocity agreement under section 109.69 of the
Revised Code.

(O) "Valid concealed handgun license" or "valid license to
carry a concealed handgun" means a concealed handgun license
that is currently valid, that is not under a suspension under
division (A) (1) or (3) of section 2923.128 of the Revised Code,
under section 2923.1213 of the Revised Code, or under a
suspension provision of the state other than this state in which
the license was issued, and that has not been revoked under
division (B) (1) of section 2923.128 of the Revised Code, under
section 2923.1213 of the Revised Code, or under a revocation
provision of the state other than this state in which the
license was issued.

(P) "Misdemeanor punishable by imprisonment for a term
exceeding one year" does not include any of the following:

(1) Any federal or state offense pertaining to antitrust violations, unfair trade practices, restraints of trade, or other similar offenses relating to the regulation of business practices;

(2) Any misdemeanor offense punishable by a term of imprisonment of two years or less.

(Q) "Alien registration number" means the number issued by the United States citizenship and immigration services agency that is located on the alien's permanent resident card and may also be commonly referred to as the "USCIS number" or the "alien number."

(R) "Active duty" has the same meaning as defined in 10 U.S.C. 101.

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

(A) This section applies with respect to the application for and issuance by this state of concealed handgun licenses other than concealed handgun licenses on a temporary emergency basis that are issued under section 2923.1213 of the Revised Code. Upon the request of a person who wishes to obtain a concealed handgun license with respect to which this section

applies or to renew a concealed handgun license with respect to 1220
which this section applies, a sheriff, as provided in division 1221
(I) of this section, shall provide to the person free of charge 1222
an application form and the web site address at which a 1223
printable version of the application form that can be downloaded 1224
and the pamphlet described in division (B) of section 109.731 of 1225
the Revised Code may be found. A sheriff shall accept a 1226
completed application form and the fee, items, materials, and 1227
information specified in divisions (B) (1) to (5) of this section 1228
at the times and in the manners described in division (I) of 1229
this section. 1230

(B) An applicant for a concealed handgun license who is a 1231
resident of this state shall submit a completed application form 1232
and all of the material and information described in divisions 1233
(B) (1) to (6) of this section to the sheriff of the county in 1234
which the applicant resides or to the sheriff of any county 1235
adjacent to the county in which the applicant resides. An 1236
applicant for a license who resides in another state shall 1237
submit a completed application form and all of the material and 1238
information described in divisions (B) (1) to (7) of this section 1239
to the sheriff of the county in which the applicant is employed 1240
or to the sheriff of any county adjacent to the county in which 1241
the applicant is employed: 1242

(1) (a) A nonrefundable license fee as described in either 1243
of the following: 1244

(i) For an applicant who has been a resident of this state 1245
for five or more years, a fee of sixty-seven dollars; 1246

(ii) For an applicant who has been a resident of this 1247
state for less than five years or who is not a resident of this 1248
state, but who is employed in this state, a fee of sixty-seven 1249

dollars plus the actual cost of having a background check 1250
performed by the federal bureau of investigation. 1251

(b) No sheriff shall require an applicant to pay for the 1252
cost of a background check performed by the bureau of criminal 1253
identification and investigation. 1254

(c) A sheriff shall waive the payment of the license fee 1255
described in division (B) (1) (a) of this section in connection 1256
with an initial or renewal application for a license that is 1257
submitted by an applicant who is an active or reserve member of 1258
the armed forces of the United States or has retired from or was 1259
honorably discharged from military service in the active or 1260
reserve armed forces of the United States, a retired peace 1261
officer, a retired person described in division (B) (1) (b) of 1262
section 109.77 of the Revised Code, or a retired federal law 1263
enforcement officer who, prior to retirement, was authorized 1264
under federal law to carry a firearm in the course of duty, 1265
unless the retired peace officer, person, or federal law 1266
enforcement officer retired as the result of a mental 1267
disability. 1268

(d) The sheriff shall deposit all fees paid by an 1269
applicant under division (B) (1) (a) of this section into the 1270
sheriff's concealed handgun license issuance fund established 1271
pursuant to section 311.42 of the Revised Code. The county shall 1272
distribute the fees in accordance with section 311.42 of the 1273
Revised Code. 1274

(2) A color photograph of the applicant that was taken 1275
within thirty days prior to the date of the application; 1276

(3) One or more of the following competency 1277
certifications, each of which shall reflect that, regarding a 1278

certification described in division (B) (3) (a), (b), (c), (e), or 1279
(f) of this section, within the three years immediately 1280
preceding the application the applicant has performed that to 1281
which the competency certification relates and that, regarding a 1282
certification described in division (B) (3) (d) of this section, 1283
the applicant currently is an active or reserve member of the 1284
armed forces of the United States, the applicant has retired 1285
from or was honorably discharged from military service in the 1286
active or reserve armed forces of the United States, or within 1287
the ten years immediately preceding the application the 1288
retirement of the peace officer, person described in division 1289
(B) (1) (b) of section 109.77 of the Revised Code, or federal law 1290
enforcement officer to which the competency certification 1291
relates occurred: 1292

(a) An original or photocopy of a certificate of 1293
completion of a firearms safety, training, or requalification or 1294
firearms safety instructor course, class, or program that was 1295
offered by or under the auspices of a national gun advocacy 1296
organization and that complies with the requirements set forth 1297
in division (G) of this section; 1298

(b) An original or photocopy of a certificate of 1299
completion of a firearms safety, training, or requalification or 1300
firearms safety instructor course, class, or program that 1301
satisfies all of the following criteria: 1302

(i) It was open to members of the general public. 1303

(ii) It utilized qualified instructors who were certified 1304
by a national gun advocacy organization, the executive director 1305
of the Ohio peace officer training commission pursuant to 1306
section 109.75 or 109.78 of the Revised Code, or a governmental 1307
official or entity of another state. 1308

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

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

(c) An original or photocopy of a certificate of completion of a state, county, municipal, or department of natural resources peace officer training school that is approved by the executive director of the Ohio peace officer training commission pursuant to section 109.75 of the Revised Code and that complies with the requirements set forth in division (G) of this section, or the applicant has satisfactorily completed and been issued a certificate of completion of a basic firearms training program, a firearms requalification training program, or another basic training program described in section 109.78 or 109.801 of the Revised Code that complies with the requirements set forth in division (G) of this section;

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

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

this section; 1339

(ii) That, through participation in the military service 1340
or through the former employment described in division (B) (3) (d) 1341
(i) of this section, the applicant acquired experience with 1342
handling handguns or other firearms, and the experience so 1343
acquired was equivalent to training that the applicant could 1344
have acquired in a course, class, or program described in 1345
division (B) (3) (a), (b), or (c) of this section. 1346

(e) A certificate or another similar document that 1347
evidences satisfactory completion of a firearms training, 1348
safety, or requalification or firearms safety instructor course, 1349
class, or program that is not otherwise described in division 1350
(B) (3) (a), (b), (c), or (d) of this section, that was conducted 1351
by an instructor who was certified by an official or entity of 1352
the government of this or another state or the United States or 1353
by a national gun advocacy organization, and that complies with 1354
the requirements set forth in division (G) of this section; 1355

(f) An affidavit that attests to the applicant's 1356
satisfactory completion of a course, class, or program described 1357
in division (B) (3) (a), (b), (c), or (e) of this section and that 1358
is subscribed by the applicant's instructor or an authorized 1359
representative of the entity that offered the course, class, or 1360
program or under whose auspices the course, class, or program 1361
was offered; 1362

(g) A document that evidences that the applicant has 1363
successfully completed the Ohio peace officer training program 1364
described in section 109.79 of the Revised Code. 1365

(4) A certification by the applicant that the applicant 1366
has read the pamphlet prepared by the Ohio peace officer 1367

training commission pursuant to section 109.731 of the Revised Code that reviews firearms, dispute resolution, and use of deadly force matters.

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

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

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

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

(D) (1) Except as provided in division (D) (3) of this section, within forty-five days after a sheriff's receipt of an applicant's completed application form for a concealed handgun license under this section, the supporting documentation, and, if not waived, the license fee, the sheriff shall make available through the law enforcement automated data system in accordance

with division (H) of this section the information described in 1397
that division and, upon making the information available through 1398
the system, shall issue to the applicant a concealed handgun 1399
license that shall expire as described in division (D) (2) (a) of 1400
this section if all of the following apply: 1401

(a) The applicant is legally living in the United States. 1402
For purposes of division (D) (1) (a) of this section, if a person 1403
is absent from the United States in compliance with military or 1404
naval orders as an active or reserve member of the armed forces 1405
of the United States and if prior to leaving the United States 1406
the person was legally living in the United States, the person, 1407
solely by reason of that absence, shall not be considered to 1408
have lost the person's status as living in the United States. 1409

(b) The applicant is at least twenty-one years of age. 1410

(c) The applicant is not a fugitive from justice. 1411

(d) The applicant is not under indictment for or otherwise 1412
charged with a felony; an offense under Chapter 2925., 3719., or 1413
4729. of the Revised Code that involves the illegal possession, 1414
use, sale, administration, or distribution of or trafficking in 1415
a drug of abuse; a misdemeanor offense of violence; or a 1416
violation of section 2903.14 or 2923.1211 of the Revised Code. 1417

(e) Except as otherwise provided in division (D) (4) or (5) 1418
of this section, the applicant has not been convicted of or 1419
pleaded guilty to a felony or an offense under Chapter 2925., 1420
3719., or 4729. of the Revised Code that involves the illegal 1421
possession, use, sale, administration, or distribution of or 1422
trafficking in a drug of abuse; has not been adjudicated a 1423
delinquent child for committing an act that if committed by an 1424
adult would be a felony or would be an offense under Chapter 1425

2925., 3719., or 4729. of the Revised Code that involves the 1426
illegal possession, use, sale, administration, or distribution 1427
of or trafficking in a drug of abuse; has not been convicted of, 1428
pleaded guilty to, or adjudicated a delinquent child for 1429
committing a violation of section 2903.13 of the Revised Code 1430
when the victim of the violation is a peace officer, regardless 1431
of whether the applicant was sentenced under division ~~(C) (4)~~ (C) 1432
(5) or (6) of that section; and has not been convicted of, 1433
pleaded guilty to, or adjudicated a delinquent child for 1434
committing any other offense that is not previously described in 1435
this division that is a misdemeanor punishable by imprisonment 1436
for a term exceeding one year. 1437

(f) Except as otherwise provided in division (D) (4) or (5) 1438
of this section, the applicant, within three years of the date 1439
of the application, has not been convicted of or pleaded guilty 1440
to a misdemeanor offense of violence other than a misdemeanor 1441
violation of section 2921.33 of the Revised Code or a violation 1442
of section 2903.13 of the Revised Code when the victim of the 1443
violation is a peace officer, or a misdemeanor violation of 1444
section 2923.1211 of the Revised Code; and has not been 1445
adjudicated a delinquent child for committing an act that if 1446
committed by an adult would be a misdemeanor offense of violence 1447
other than a misdemeanor violation of section 2921.33 of the 1448
Revised Code or a violation of section 2903.13 of the Revised 1449
Code when the victim of the violation is a peace officer or for 1450
committing an act that if committed by an adult would be a 1451
misdemeanor violation of section 2923.1211 of the Revised Code. 1452

(g) Except as otherwise provided in division (D) (1) (e) of 1453
this section, the applicant, within five years of the date of 1454
the application, has not been convicted of, pleaded guilty to, 1455
or adjudicated a delinquent child for committing two or more 1456

violations of section 2903.13 or 2903.14 of the Revised Code. 1457

(h) Except as otherwise provided in division (D) (4) or (5) 1458
of this section, the applicant, within ten years of the date of 1459
the application, has not been convicted of, pleaded guilty to, 1460
or adjudicated a delinquent child for committing a violation of 1461
section 2921.33 of the Revised Code. 1462

(i) The applicant has not been committed to any mental 1463
institution, is not under adjudication of mental incompetence, 1464
has not been found by a court to be a person with a mental 1465
illness subject to court order, and is not an involuntary 1466
patient other than one who is a patient only for purposes of 1467
observation. As used in this division, "person with a mental 1468
illness subject to court order" and "patient" have the same 1469
meanings as in section 5122.01 of the Revised Code. 1470

(j) The applicant is not currently subject to a civil 1471
protection order, a temporary protection order, or a protection 1472
order issued by a court of another state. 1473

(k) The applicant certifies that the applicant desires a 1474
legal means to carry a concealed handgun for defense of the 1475
applicant or a member of the applicant's family while engaged in 1476
lawful activity. 1477

(l) The applicant submits a competency certification of 1478
the type described in division (B) (3) of this section and 1479
submits a certification of the type described in division (B) (4) 1480
of this section regarding the applicant's reading of the 1481
pamphlet prepared by the Ohio peace officer training commission 1482
pursuant to section 109.731 of the Revised Code. 1483

(m) The applicant currently is not subject to a suspension 1484
imposed under division (A) (2) of section 2923.128 of the Revised 1485

Code of a concealed handgun license that previously was issued 1486
to the applicant under this section or section 2923.1213 of the 1487
Revised Code or a similar suspension imposed by another state 1488
regarding a concealed handgun license issued by that state. 1489

(n) If the applicant resides in another state, the 1490
applicant is employed in this state. 1491

(o) The applicant certifies that the applicant is not an 1492
unlawful user of or addicted to any controlled substance as 1493
defined in 21 U.S.C. 802. 1494

(p) If the applicant is not a United States citizen, the 1495
applicant is an alien and has not been admitted to the United 1496
States under a nonimmigrant visa, as defined in the "Immigration 1497
and Nationality Act," 8 U.S.C. 1101(a) (26). 1498

(q) The applicant has not been discharged from the armed 1499
forces of the United States under dishonorable conditions. 1500

(r) The applicant certifies that the applicant has not 1501
renounced the applicant's United States citizenship, if 1502
applicable. 1503

(s) The applicant has not been convicted of, pleaded 1504
guilty to, or adjudicated a delinquent child for committing a 1505
violation of section 2919.25 of the Revised Code or a similar 1506
violation in another state. 1507

(t) The applicant is not enrolled in the do not possess 1508
firearms registry created under section 2923.22 of the Revised 1509
Code. 1510

(2) (a) A concealed handgun license that a sheriff issues 1511
under division (D) (1) of this section shall expire five years 1512
after the date of issuance. 1513

If a sheriff issues a license under this section, the 1514
sheriff shall place on the license a unique combination of 1515
letters and numbers identifying the license in accordance with 1516
the procedure prescribed by the Ohio peace officer training 1517
commission pursuant to section 109.731 of the Revised Code. 1518

(b) If a sheriff denies an application under this section 1519
because the applicant does not satisfy the criteria described in 1520
division (D)(1) of this section, the sheriff shall specify the 1521
grounds for the denial in a written notice to the applicant. The 1522
applicant may appeal the denial pursuant to section 119.12 of 1523
the Revised Code in the county served by the sheriff who denied 1524
the application. If the denial was as a result of the criminal 1525
records check conducted pursuant to section 311.41 of the 1526
Revised Code and if, pursuant to section 2923.127 of the Revised 1527
Code, the applicant challenges the criminal records check 1528
results using the appropriate challenge and review procedure 1529
specified in that section, the time for filing the appeal 1530
pursuant to section 119.12 of the Revised Code and this division 1531
is tolled during the pendency of the request or the challenge 1532
and review. 1533

(c) If the court in an appeal under section 119.12 of the 1534
Revised Code and division (D)(2)(b) of this section enters a 1535
judgment sustaining the sheriff's refusal to grant to the 1536
applicant a concealed handgun license, the applicant may file a 1537
new application beginning one year after the judgment is 1538
entered. If the court enters a judgment in favor of the 1539
applicant, that judgment shall not restrict the authority of a 1540
sheriff to suspend or revoke the license pursuant to section 1541
2923.128 or 2923.1213 of the Revised Code or to refuse to renew 1542
the license for any proper cause that may occur after the date 1543
the judgment is entered. In the appeal, the court shall have 1544

full power to dispose of all costs. 1545

(3) If the sheriff with whom an application for a 1546
concealed handgun license was filed under this section becomes 1547
aware that the applicant has been arrested for or otherwise 1548
charged with an offense that would disqualify the applicant from 1549
holding the license, the sheriff shall suspend the processing of 1550
the application until the disposition of the case arising from 1551
the arrest or charge. 1552

(4) If an applicant has been convicted of or pleaded 1553
guilty to an offense identified in division (D)(1)(e), (f), or 1554
(h) of this section or has been adjudicated a delinquent child 1555
for committing an act or violation identified in any of those 1556
divisions, and if a court has ordered the sealing or expungement 1557
of the records of that conviction, guilty plea, or adjudication 1558
pursuant to sections 2151.355 to 2151.358, sections 2953.31 to 1559
2953.35, or section 2953.39 of the Revised Code or the applicant 1560
has been relieved under operation of law or legal process from 1561
the disability imposed pursuant to section 2923.13 of the 1562
Revised Code relative to that conviction, guilty plea, or 1563
adjudication, the sheriff with whom the application was 1564
submitted shall not consider the conviction, guilty plea, or 1565
adjudication in making a determination under division (D)(1) or 1566
(F) of this section or, in relation to an application for a 1567
concealed handgun license on a temporary emergency basis 1568
submitted under section 2923.1213 of the Revised Code, in making 1569
a determination under division (B)(2) of that section. 1570

(5) If an applicant has been convicted of or pleaded 1571
guilty to a minor misdemeanor offense or has been adjudicated a 1572
delinquent child for committing an act or violation that is a 1573
minor misdemeanor offense, the sheriff with whom the application 1574

was submitted shall not consider the conviction, guilty plea, or 1575
adjudication in making a determination under division (D)(1) or 1576
(F) of this section or, in relation to an application for a 1577
concealed handgun license on a temporary basis submitted under 1578
section 2923.1213 of the Revised Code, in making a determination 1579
under division (B)(2) of that section. 1580

(E) If a concealed handgun license issued under this 1581
section is lost or is destroyed, the licensee may obtain from 1582
the sheriff who issued that license a duplicate license upon the 1583
payment of a fee of fifteen dollars and the submission of an 1584
affidavit attesting to the loss or destruction of the license. 1585
The sheriff, in accordance with the procedures prescribed in 1586
section 109.731 of the Revised Code, shall place on the 1587
replacement license a combination of identifying numbers 1588
different from the combination on the license that is being 1589
replaced. 1590

(F)(1)(a) Except as provided in division (F)(1)(b) of this 1591
section, a licensee who wishes to renew a concealed handgun 1592
license issued under this section may do so at any time before 1593
the expiration date of the license or at any time after the 1594
expiration date of the license by filing with the sheriff of the 1595
county in which the applicant resides or with the sheriff of an 1596
adjacent county, or in the case of an applicant who resides in 1597
another state with the sheriff of the county that issued the 1598
applicant's previous concealed handgun license an application 1599
for renewal of the license obtained pursuant to division (D) of 1600
this section, a certification by the applicant that, subsequent 1601
to the issuance of the license, the applicant has reread the 1602
pamphlet prepared by the Ohio peace officer training commission 1603
pursuant to section 109.731 of the Revised Code that reviews 1604
firearms, dispute resolution, and use of deadly force matters, 1605

and a nonrefundable license renewal fee in an amount determined 1606
pursuant to division (F) (4) of this section unless the fee is 1607
waived. 1608

(b) A person on active duty in the armed forces of the 1609
United States or in service with the peace corps, volunteers in 1610
service to America, or the foreign service of the United States 1611
is exempt from the license requirements of this section for the 1612
period of the person's active duty or service and for six months 1613
thereafter, provided the person was a licensee under this 1614
section at the time the person commenced the person's active 1615
duty or service or had obtained a license while on active duty 1616
or service. The spouse or a dependent of any such person on 1617
active duty or in service also is exempt from the license 1618
requirements of this section for the period of the person's 1619
active duty or service and for six months thereafter, provided 1620
the spouse or dependent was a licensee under this section at the 1621
time the person commenced the active duty or service or had 1622
obtained a license while the person was on active duty or 1623
service, and provided further that the person's active duty or 1624
service resulted in the spouse or dependent relocating outside 1625
of this state during the period of the active duty or service. 1626
This division does not prevent such a person or the person's 1627
spouse or dependent from making an application for the renewal 1628
of a concealed handgun license during the period of the person's 1629
active duty or service. 1630

(2) A sheriff shall accept a completed renewal 1631
application, the license renewal fee, and the information 1632
specified in division (F) (1) of this section at the times and in 1633
the manners described in division (I) of this section. Upon 1634
receipt of a completed renewal application, of certification 1635
that the applicant has reread the specified pamphlet prepared by 1636

the Ohio peace officer training commission, and of a license 1637
renewal fee unless the fee is waived, a sheriff, in the manner 1638
specified in section 311.41 of the Revised Code shall conduct or 1639
cause to be conducted the criminal records check and the 1640
incompetency records check described in section 311.41 of the 1641
Revised Code. The sheriff shall renew the license if the sheriff 1642
determines that the applicant continues to satisfy the 1643
requirements described in division (D) (1) of this section, 1644
except that the applicant is not required to meet the 1645
requirements of division (D) (1) (1) of this section. A renewed 1646
license shall expire five years after the date of issuance. A 1647
renewed license is subject to division (E) of this section and 1648
sections 2923.126 and 2923.128 of the Revised Code. A sheriff 1649
shall comply with divisions (D) (2) and (3) of this section when 1650
the circumstances described in those divisions apply to a 1651
requested license renewal. If a sheriff denies the renewal of a 1652
concealed handgun license, the applicant may appeal the denial, 1653
or challenge the criminal record check results that were the 1654
basis of the denial if applicable, in the same manner as 1655
specified in division (D) (2) (b) of this section and in section 1656
2923.127 of the Revised Code, regarding the denial of a license 1657
under this section. 1658

(3) A renewal application submitted pursuant to division 1659
(F) of this section shall only require the licensee to list on 1660
the application form information and matters occurring since the 1661
date of the licensee's last application for a license pursuant 1662
to division (B) or (F) of this section. A sheriff conducting the 1663
criminal records check and the incompetency records check 1664
described in section 311.41 of the Revised Code shall conduct 1665
the check only from the date of the licensee's last application 1666
for a license pursuant to division (B) or (F) of this section 1667

through the date of the renewal application submitted pursuant 1668
to division (F) of this section. 1669

(4) An applicant for a renewal concealed handgun license 1670
under this section shall submit to the sheriff of the county in 1671
which the applicant resides or to the sheriff of any county 1672
adjacent to the county in which the applicant resides, or in the 1673
case of an applicant who resides in another state to the sheriff 1674
of the county that issued the applicant's previous concealed 1675
handgun license, a nonrefundable license fee as described in 1676
either of the following: 1677

(a) For an applicant who has been a resident of this state 1678
for five or more years, a fee of fifty dollars; 1679

(b) For an applicant who has been a resident of this state 1680
for less than five years or who is not a resident of this state 1681
but who is employed in this state, a fee of fifty dollars plus 1682
the actual cost of having a background check performed by the 1683
federal bureau of investigation. 1684

(5) The concealed handgun license of a licensee who is no 1685
longer a resident of this state or no longer employed in this 1686
state, as applicable, is valid until the date of expiration on 1687
the license, and the licensee is prohibited from renewing the 1688
concealed handgun license. 1689

(G) (1) Each course, class, or program described in 1690
division (B) (3) (a), (b), (c), or (e) of this section shall 1691
provide to each person who takes the course, class, or program 1692
the web site address at which the pamphlet prepared by the Ohio 1693
peace officer training commission pursuant to section 109.731 of 1694
the Revised Code that reviews firearms, dispute resolution, and 1695
use of deadly force matters may be found. Each such course, 1696

class, or program described in one of those divisions shall 1697
include at least eight hours of training in the safe handling 1698
and use of a firearm that shall include training, provided as 1699
described in division (G) (3) of this section, on all of the 1700
following: 1701

(a) The ability to name, explain, and demonstrate the 1702
rules for safe handling of a handgun and proper storage 1703
practices for handguns and ammunition; 1704

(b) The ability to demonstrate and explain how to handle 1705
ammunition in a safe manner; 1706

(c) The ability to demonstrate the knowledge, skills, and 1707
attitude necessary to shoot a handgun in a safe manner; 1708

(d) Gun handling training; 1709

(e) A minimum of two hours of in-person training that 1710
consists of range time and live-fire training. 1711

(2) To satisfactorily complete the course, class, or 1712
program described in division (B) (3) (a), (b), (c), or (e) of 1713
this section, the applicant shall pass a competency examination 1714
that shall include both of the following: 1715

(a) A written section, provided as described in division 1716
(G) (3) of this section, on the ability to name and explain the 1717
rules for the safe handling of a handgun and proper storage 1718
practices for handguns and ammunition; 1719

(b) An in-person physical demonstration of competence in 1720
the use of a handgun and in the rules for safe handling and 1721
storage of a handgun and a physical demonstration of the 1722
attitude necessary to shoot a handgun in a safe manner. 1723

(3) (a) Except as otherwise provided in this division, the 1724

training specified in division (G) (1) (a) of this section shall 1725
be provided to the person receiving the training in person by an 1726
instructor. If the training specified in division (G) (1) (a) of 1727
this section is provided by a course, class, or program 1728
described in division (B) (3) (a) of this section, or it is 1729
provided by a course, class, or program described in division 1730
(B) (3) (b), (c), or (e) of this section and the instructor is a 1731
qualified instructor certified by a national gun advocacy 1732
organization, the training so specified, other than the training 1733
that requires the person receiving the training to demonstrate 1734
handling abilities, may be provided online or as a combination 1735
of in-person and online training, as long as the online training 1736
includes an interactive component that regularly engages the 1737
person. 1738

(b) Except as otherwise provided in this division, the 1739
written section of the competency examination specified in 1740
division (G) (2) (a) of this section shall be administered to the 1741
person taking the competency examination in person by an 1742
instructor. If the training specified in division (G) (1) (a) of 1743
this section is provided to the person receiving the training by 1744
a course, class, or program described in division (B) (3) (a) of 1745
this section, or it is provided by a course, class, or program 1746
described in division (B) (3) (b), (c), or (e) of this section and 1747
the instructor is a qualified instructor certified by a national 1748
gun advocacy organization, the written section of the competency 1749
examination specified in division (G) (2) (a) of this section may 1750
be administered online, as long as the online training includes 1751
an interactive component that regularly engages the person. 1752

(4) The competency certification described in division (B) 1753
(3) (a), (b), (c), or (e) of this section shall be dated and 1754
shall attest that the course, class, or program the applicant 1755

successfully completed met the requirements described in 1756
division (G) (1) of this section and that the applicant passed 1757
the competency examination described in division (G) (2) of this 1758
section. 1759

(H) Upon deciding to issue a concealed handgun license, 1760
deciding to issue a replacement concealed handgun license, or 1761
deciding to renew a concealed handgun license pursuant to this 1762
section, and before actually issuing or renewing the license, 1763
the sheriff shall make available through the law enforcement 1764
automated data system all information contained on the license. 1765
If the license subsequently is suspended under division (A) (1) 1766
~~or~~, (2), or (3) of section 2923.128 of the Revised Code, revoked 1767
pursuant to division (B) (1) of section 2923.128 of the Revised 1768
Code, or lost or destroyed, the sheriff also shall make 1769
available through the law enforcement automated data system a 1770
notation of that fact. The superintendent of the state highway 1771
patrol shall ensure that the law enforcement automated data 1772
system is so configured as to permit the transmission through 1773
the system of the information specified in this division. 1774

(I) (1) A sheriff shall accept a completed application form 1775
or renewal application, and the fee, items, materials, and 1776
information specified in divisions (B) (1) to (5) or division (F) 1777
of this section, whichever is applicable, and shall provide an 1778
application form or renewal application to any person during at 1779
least fifteen hours a week and shall provide the web site 1780
address at which a printable version of the application form 1781
that can be downloaded and the pamphlet described in division 1782
(B) of section 109.731 of the Revised Code may be found at any 1783
time, upon request. The sheriff shall post notice of the hours 1784
during which the sheriff is available to accept or provide the 1785
information described in this division. 1786

(2) A sheriff shall transmit a notice to the attorney general, in a manner determined by the attorney general, every time a license is issued that waived payment under division (B) (1) (c) of this section for an applicant who is an active or reserve member of the armed forces of the United States or has retired from or was honorably discharged from military service in the active or reserve armed forces of the United States. The attorney general shall monitor and inform sheriffs issuing licenses under this section when the amount of license fee payments waived and transmitted to the attorney general reach one million five hundred thousand dollars each year. Once a sheriff is informed that the payments waived reached one million five hundred thousand dollars in any year, a sheriff shall no longer waive payment of a license fee for an applicant who is an active or reserve member of the armed forces of the United States or has retired from or was honorably discharged from military service in the active or reserve armed forces of the United States for the remainder of that year.

Sec. 2923.128. (A) (1) (a) If a licensee holding a valid concealed handgun license is arrested for or otherwise charged with an offense described in division (D) (1) (d) of section 2923.125 of the Revised Code or with a violation of section 2923.15 of the Revised Code or becomes subject to a temporary protection order or to a protection order issued by a court of another state that is substantially equivalent to a temporary protection order, the sheriff who issued the license shall suspend it and shall comply with division ~~(A) (3)~~ (A) (4) of this section upon becoming aware of the arrest, charge, or protection order. Upon suspending the license, the sheriff also shall comply with division (H) of section 2923.125 of the Revised Code.

(b) A suspension under division (A) (1) (a) of this section 1818
shall be considered as beginning on the date that the licensee 1819
is arrested for or otherwise charged with an offense described 1820
in that division or on the date the appropriate court issued the 1821
protection order described in that division, irrespective of 1822
when the sheriff notifies the licensee under division ~~(A) (3)~~ (A) 1823
(4) of this section. The suspension shall end on the date on 1824
which the charges are dismissed or the licensee is found not 1825
guilty of the offense described in division (A) (1) (a) of this 1826
section or, subject to division (B) of this section, on the date 1827
the appropriate court terminates the protection order described 1828
in that division. If the suspension so ends, the sheriff shall 1829
return the license or temporary emergency license to the 1830
licensee. 1831

(2) (a) If a licensee holding a valid concealed handgun 1832
license is convicted of or pleads guilty to a misdemeanor 1833
violation of division (B) (2) or (4) of section 2923.12 of the 1834
Revised Code or of division (E) (3) or (5) of section 2923.16 of 1835
the Revised Code, subject to division (C) of this section, the 1836
sheriff who issued the license shall suspend it and shall comply 1837
with division ~~(A) (3)~~ (A) (4) of this section upon becoming aware 1838
of the conviction or guilty plea. Upon suspending the license, 1839
the sheriff also shall comply with division (H) of section 1840
2923.125 of the Revised Code. 1841

(b) A suspension under division (A) (2) (a) of this section 1842
shall be considered as beginning on the date that the licensee 1843
is convicted of or pleads guilty to the offense described in 1844
that division, irrespective of when the sheriff notifies the 1845
licensee under division ~~(A) (3)~~ (A) (4) of this section. If the 1846
suspension is imposed for a misdemeanor violation of division 1847
(B) (2) of section 2923.12 of the Revised Code or of division (E) 1848

(3) of section 2923.16 of the Revised Code, it shall end on the date that is one year after the date that the licensee is convicted of or pleads guilty to that violation. If the suspension is imposed for a misdemeanor violation of division (B) (4) of section 2923.12 of the Revised Code or of division (E) (5) of section 2923.16 of the Revised Code, it shall end on the date that is two years after the date that the licensee is convicted of or pleads guilty to that violation. If the licensee's license was issued under section 2923.125 of the Revised Code and the license remains valid after the suspension ends as described in this division, when the suspension ends, the sheriff shall return the license to the licensee. If the licensee's license was issued under section 2923.125 of the Revised Code and the license expires before the suspension ends as described in this division, or if the licensee's license was issued under section 2923.1213 of the Revised Code, the licensee is not eligible to apply for a new license under section 2923.125 or 2923.1213 of the Revised Code or to renew the license under section 2923.125 of the Revised Code until after the suspension ends as described in this division.

~~(3)~~(3) (a) If a licensee holding a valid concealed handgun license is enrolled in the do not possess firearms registry under section 2923.22 of the Revised Code, the sheriff who issued the license shall suspend it and shall comply with division (A) (4) of this section upon becoming aware of the licensee's enrollment in the registry. Upon suspending the license, the sheriff also shall comply with division (H) of section 2923.125 of the Revised Code.

(b) A suspension under division (A) (3) (a) of this section shall be considered as beginning on the date that the licensee is first enrolled in the do not possess firearms registry,

irrespective of when the sheriff notifies the licensee under 1880
division (A) (4) of this section. The suspension shall end on the 1881
date on which the licensee is removed from the registry. If the 1882
suspension so ends, the sheriff shall return the license or 1883
temporary emergency license to the licensee. 1884

(4) Upon becoming aware of an arrest, charge, or 1885
protection order described in division (A) (1) (a) of this section 1886
with respect to a licensee who was issued a concealed handgun 1887
license, or a conviction of or plea of guilty to a misdemeanor 1888
offense described in division (A) (2) (a) of this section with 1889
respect to a licensee who was issued a concealed handgun 1890
license, subject to division (C) of this section, or the 1891
enrollment of a licensee who was issued a concealed handgun 1892
license in the do not possess firearms registry, the sheriff who 1893
issued the licensee's license shall notify the licensee, by 1894
certified mail, return receipt requested, at the licensee's last 1895
known residence address that the license has been suspended and 1896
that the licensee is required to surrender the license at the 1897
sheriff's office within ten days of the date on which the notice 1898
was mailed. If the suspension is pursuant to division (A) (2) of 1899
this section, the notice shall identify the date on which the 1900
suspension ends. 1901

(B) (1) A sheriff who issues a concealed handgun license to 1902
a licensee shall revoke the license in accordance with division 1903
(B) (2) of this section upon becoming aware that the licensee 1904
satisfies any of the following: 1905

(a) The licensee is under twenty-one years of age. 1906

(b) Subject to division (C) of this section, at the time 1907
of the issuance of the license, the licensee did not satisfy the 1908
eligibility requirements of division (D) (1) (c), (d), (e), (f), 1909

(g), or (h) of section 2923.125 of the Revised Code. 1910

(c) Subject to division (C) of this section, on or after 1911
the date on which the license was issued, the licensee is 1912
convicted of or pleads guilty to a violation of section 2923.15 1913
of the Revised Code or an offense described in division (D)(1) 1914
(e), (f), (g), or (h) of section 2923.125 of the Revised Code. 1915

(d) On or after the date on which the license was issued, 1916
the licensee becomes subject to a civil protection order or to a 1917
protection order issued by a court of another state that is 1918
substantially equivalent to a civil protection order. 1919

(e) The licensee knowingly carries a concealed handgun 1920
into a place that the licensee knows is an unauthorized place 1921
specified in division (B) of section 2923.126 of the Revised 1922
Code. 1923

(f) On or after the date on which the license was issued, 1924
the licensee is under adjudication of mental incompetence or is 1925
committed to a mental institution. 1926

(g) At the time of the issuance of the license, the 1927
licensee did not meet the residency requirements described in 1928
division (D)(1) of section 2923.125 of the Revised Code and 1929
currently does not meet the residency requirements described in 1930
that division. 1931

(h) Regarding a license issued under section 2923.125 of 1932
the Revised Code, the competency certificate the licensee 1933
submitted was forged or otherwise was fraudulent. 1934

(2) Upon becoming aware of any circumstance listed in 1935
division (B)(1) of this section that applies to a particular 1936
licensee who was issued a concealed handgun license, subject to 1937
division (C) of this section, the sheriff who issued the license 1938

to the licensee shall notify the licensee, by certified mail, 1939
return receipt requested, at the licensee's last known residence 1940
address that the license is subject to revocation and that the 1941
licensee may come to the sheriff's office and contest the 1942
sheriff's proposed revocation within fourteen days of the date 1943
on which the notice was mailed. After the fourteen-day period 1944
and after consideration of any information that the licensee 1945
provides during that period, if the sheriff determines on the 1946
basis of the information of which the sheriff is aware that the 1947
licensee is described in division (B) (1) of this section and no 1948
longer satisfies the requirements described in division (D) (1) 1949
of section 2923.125 of the Revised Code that are applicable to 1950
the licensee's type of license, the sheriff shall revoke the 1951
license, notify the licensee of that fact, and require the 1952
licensee to surrender the license. Upon revoking the license, 1953
the sheriff also shall comply with division (H) of section 1954
2923.125 of the Revised Code. 1955

(C) If a sheriff who issues a concealed handgun license to 1956
a licensee becomes aware that at the time of the issuance of the 1957
license the licensee had been convicted of or pleaded guilty to 1958
an offense identified in division (D) (1) (e), (f), or (h) of 1959
section 2923.125 of the Revised Code or had been adjudicated a 1960
delinquent child for committing an act or violation identified 1961
in any of those divisions or becomes aware that on or after the 1962
date on which the license was issued the licensee has been 1963
convicted of or pleaded guilty to an offense identified in 1964
division (A) (2) (a) or (B) (1) (c) of this section, the sheriff 1965
shall not consider that conviction, guilty plea, or adjudication 1966
as having occurred for purposes of divisions (A) (2), ~~(A) (3)~~ (A) 1967
(4), (B) (1), and (B) (2) of this section if a court has ordered 1968
the sealing or expungement of the records of that conviction, 1969

guilty plea, or adjudication pursuant to sections 2151.355 to 1970
2151.358, sections 2953.31 to 2953.35, or section 2953.39 of the 1971
Revised Code or the licensee has been relieved under operation 1972
of law or legal process from the disability imposed pursuant to 1973
section 2923.13 of the Revised Code relative to that conviction, 1974
guilty plea, or adjudication. 1975

(D) As used in this section, "motor carrier enforcement 1976
unit" has the same meaning as in section 2923.16 of the Revised 1977
Code. 1978

Sec. 2923.133. (A) No person who is enrolled in the do not 1979
possess firearms registry created under section 2923.22 of the 1980
Revised Code shall knowingly purchase, possess, or transport a 1981
firearm. 1982

(B) Whoever violates this section is guilty of illegally 1983
possessing, purchasing, or transporting a firearm while enrolled 1984
in the do not possess firearms registry, a misdemeanor of the 1985
first degree. 1986

Sec. 2923.20. (A) No person shall do any of the following: 1987

(1) Recklessly sell, lend, give, or furnish any firearm to 1988
any person prohibited by section 2923.13 or 2923.15 of the 1989
Revised Code from acquiring or using any firearm, or recklessly 1990
sell, lend, give, or furnish any dangerous ordnance to any 1991
person prohibited by section 2923.13, 2923.15, or 2923.17 of the 1992
Revised Code from acquiring or using any dangerous ordnance; 1993

(2) Possess any firearm or dangerous ordnance with purpose 1994
to dispose of it in violation of division (A) of this section; 1995

(3) Except as otherwise provided in division (B) of this 1996
section, knowingly solicit, persuade, encourage, or entice a 1997
federally licensed firearms dealer or private seller to transfer 1998

a firearm or ammunition to any person in a manner prohibited by state or federal law;	1999 2000
(4) Except as otherwise provided in division (B) of this section, with an intent to deceive, knowingly provide materially false information to a federally licensed firearms dealer or private seller;	2001 2002 2003 2004
(5) Except as otherwise provided in division (B) of this section, knowingly procure, solicit, persuade, encourage, or entice a person to act in violation of division (A) (3) or (4) of this section;	2005 2006 2007 2008
(6) When transferring any dangerous ordnance to another, negligently fail to require the transferee to exhibit such identification, license, or permit showing the transferee to be authorized to acquire dangerous ordnance pursuant to section 2923.17 of the Revised Code, or negligently fail to take a complete record of the transaction and forthwith forward a copy of that record to the sheriff of the county or safety director or police chief of the municipality where the transaction takes place;	2009 2010 2011 2012 2013 2014 2015 2016 2017
(7) Knowingly fail to report to law enforcement authorities forthwith the loss or theft of any firearm or dangerous ordnance in the person's possession or under the person's control;	2018 2019 2020 2021
<u>(8) Knowingly sell, lend, give, or furnish any firearm to any person who is enrolled in the do not possess firearms registry under section 2923.22 of the Revised Code if the offender knows the person is enrolled in that registry.</u>	2022 2023 2024 2025
(B) Divisions (A) (3), (4), and (5) of this section do not apply to any of the following:	2026 2027

(1) A law enforcement officer who is acting within the scope of the officer's duties; 2028
2029

(2) A person who is acting in accordance with directions given by a law enforcement officer described in division (B)(1) of this section. 2030
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(C) Whoever violates this section is guilty of unlawful transactions in weapons. A violation of division (A)(1) or (2) of this section is a felony of the fourth degree. A violation of division (A)(3), (4), or (5) of this section is a felony of the third degree. A violation of division (A)(6) of this section is a misdemeanor of the second degree. A violation of division (A)(7) of this section is a misdemeanor of the fourth degree. A violation of division (A)(8) of this section is a misdemeanor of the first degree. 2033
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(D) As used in this section: 2042

(1) "Ammunition" has the same meaning as in section 2305.401 of the Revised Code. 2043
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(2) "Federally licensed firearms dealer" has the same meaning as in section 5502.63 of the Revised Code. 2045
2046

(3) "Materially false information" means information regarding the transfer of a firearm or ammunition that portrays an illegal transaction as legal or a legal transaction as illegal. 2047
2048
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(4) "Private seller" means a person who sells, offers for sale, or transfers a firearm or ammunition and who is not a federally licensed firearms dealer. 2051
2052
2053

Sec. 2923.22. (A) As used in this section, "photo identification" means a document that meets each of the 2054
2055

following requirements: 2056

(1) It shows the name of the individual to whom it was 2057
issued. 2058

(2) It shows the current address of the individual to whom 2059
it was issued. 2060

(3) It shows a photograph of the individual to whom it was 2061
issued. 2062

(4) It includes an expiration date that has not passed. 2063

(5) It was issued by the government of the United States 2064
or this state. 2065

(B) (1) Within six months after the effective date of this 2066
section, the attorney general shall establish a do not possess 2067
firearms registry to prohibit the possession, sale, or 2068
transportation of a firearm to any person who voluntarily 2069
registers the person's self to be enrolled in the registry. The 2070
attorney general shall maintain the registry and shall 2071
promulgate rules in accordance with Chapter 119. of the Revised 2072
Code for the implementation of the registry. 2073

(2) The attorney general shall develop and distribute a 2074
form to every clerk of a court of record in this state and to 2075
the department of health, the department of mental health and 2076
addiction services, and the state medical board to allow 2077
individuals to register on the do not possess firearms registry 2078
and a form by which a registered individual may request removal. 2079
The attorney general and the courts and agencies to which the 2080
form is distributed shall prominently display the form on the 2081
attorney general's, court's, or agency's web site. The form 2082
shall include, at a minimum, all of the following information: 2083

(a) Information on the thirty-day waiting period after initial registration onto the registry, as well as information on the twenty-one-day waiting period after a request for removal is received by the attorney general; 2084
2085
2086
2087

(b) The legal ramifications of registration, including that registration may subject a person to laws of other states with analogous do not sell or do not possess lists or registries; 2088
2089
2090
2091

(c) The requirement that a person registering on the do not possess firearms registry turn over any firearms in the person's possession to a law enforcement agency within forty-eight hours of registration and how to do so. 2092
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2094
2095

(3) Within six months after the effective date of this section, the attorney general shall develop an online platform, accessible through the attorney general's web site, by which a person may register on the do not possess firearms registry. The online platform shall do all of the following: 2096
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2098
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(a) Verify the identity of any person who registers or attempts to register; 2101
2102

(b) Prevent unauthorized disclosure of the identity or of any personally identifying information of any registering person; 2103
2104
2105

(c) Inform a person registering of the effects of registration; 2106
2107

(d) Provide an option for the person registering to receive a hard copy of the completed registration form in writing by mail or electronic mail; 2108
2109
2110

(e) Provide an option to receive notification by mail or 2111

electronic mail of removal from the registry; 2112

(f) Provide information on how to relinquish a firearm to 2113
a law enforcement agency. 2114

(C) (1) A person may apply in writing to the attorney 2115
general to request voluntary enrollment in the do not possess 2116
firearms registry and, after being enrolled in the registry, may 2117
apply in writing to the attorney general to request removal from 2118
the registry. 2119

(2) The attorney general shall not remove a person 2120
enrolled in the registry from the registry until twenty-one days 2121
after the attorney general receives the person's application for 2122
removal from the registry. 2123

(3) A person submitting an application for enrollment in 2124
or removal from the do not possess firearms registry may submit 2125
that application to the attorney general by mail, via the online 2126
portal on the attorney general's web site, or in person to the 2127
office of the attorney general. 2128

(4) A person who submits an application to the attorney 2129
general for enrollment in or removal from the do not possess 2130
firearms registry shall include with the application a photocopy 2131
or an electronic image of a valid form of photo identification. 2132

(5) (a) A person who has enrolled in the do not possess 2133
firearms registry may petition the court of common pleas of the 2134
county in which the person resides for removal prior to twenty- 2135
one days after the attorney general receives the person's 2136
application for removal from the registry in the person's county 2137
of residence. The person petitioning for removal shall show, by 2138
a preponderance of the evidence, that the person is not likely 2139
to act in a manner dangerous to public safety or to the person's 2140

self. Any public official or interested party may also present 2141
evidence during a proceeding under this division. 2142

(b) The court of common pleas of the county in which the 2143
person resides shall determine whether or not the person is 2144
likely to act in a manner dangerous to public safety or self not 2145
later than two court days following a proceeding under this 2146
division. The court shall immediately transmit notice of that 2147
determination to the attorney general. The attorney general 2148
shall remove a person from the registry, if directed to do so by 2149
the court, not later than twenty-four hours after receipt of 2150
that notice. 2151

(D) (1) On enrolling a person in the do not possess 2152
firearms registry, the attorney general shall forward the 2153
person's eligibility to purchase, possess, or transport a 2154
firearm to the national instant criminal background check system 2155
and shall notify the person by mail or electronic mail that the 2156
person is enrolled in the registry. The attorney general shall 2157
continuously forward registry information to the national 2158
instant criminal background check system and to any other state 2159
that adopts an analogous voluntary do not sell or do not possess 2160
list or registry. Upon notice from any other state that has 2161
implemented an analogous do not sell or do not possess list or 2162
registry that a person has been enrolled in or removed from that 2163
state's list or registry, the attorney general shall update the 2164
do not possess firearms registry within one business day. 2165

(2) If a person who has enrolled in the do not possess 2166
firearms registry is found to possess, transport, or receive a 2167
firearm while enrolled in the registry, law enforcement 2168
officials shall confiscate the firearm until the person is 2169
removed or unenrolled from the registry. 2170

(E) Except as provided in division (C) (5) of this section, 2171
the attorney general shall not remove a person from the do not 2172
possess firearms registry until twenty-one days after receipt of 2173
the person's request for removal from the registry. On removal 2174
of a person from the registry, the attorney general shall update 2175
that person's eligibility to purchase, possess, or transport a 2176
firearm to the national instant criminal background check system 2177
and shall destroy all records related to the enrollment in and 2178
removal of the person from the registry. 2179

(F) Upon a person's removal from the do not possess 2180
firearms registry, the attorney general, courts, and any other 2181
law enforcement agency or office with a record of that person's 2182
registration shall destroy the records of that person's 2183
registration. 2184

Sec. 2923.221. (A) No person shall knowingly inquire as to 2185
whether another person is enrolled in the do not possess 2186
firearms registry created under section 2923.22 of the Revised 2187
Code for any purpose other than to determine that person's 2188
eligibility to purchase, possess, or transport a firearm. 2189

(B) No person shall knowingly give false information or 2190
make a false statement with the purpose to enroll a person in or 2191
remove a person from the do not possess firearms registry. 2192

(C) No person shall knowingly discriminate against another 2193
person with regards to the person's receipt of health care 2194
services, employment, education, housing, insurance, 2195
governmental benefits, or contracting due to that person not 2196
being enrolled in the do not possess firearms registry, being 2197
enrolled in the registry, or previously being enrolled in the 2198
registry. 2199

(D) No person or entity shall knowingly, or negligently 2200
due to failure to perform a required background check, transfer 2201
a firearm to a person enrolled in the do not possess firearms 2202
registry. 2203

(E) (1) Notwithstanding section 2929.24 of the Revised 2204
Code, an individual or organization guilty of an offense for 2205
violating this section shall not be subject to imprisonment, but 2206
to a fine alone. 2207

(2) A violation of division (A) of this section is 2208
improper inquiry regarding the do not possess firearms registry, 2209
a misdemeanor of the third degree. 2210

(3) A violation of division (B) of this section is false 2211
statement to enroll or remove from the do not possess firearms 2212
registry, a misdemeanor of the second degree. 2213

(4) A violation of division (C) of this section is 2214
improper use of the do not possess firearms registry, a 2215
misdemeanor of the first degree. 2216

(5) A violation of division (D) of this section is 2217
improper transfer to a person on the do not possess firearms 2218
registry, a misdemeanor of the first degree. Notwithstanding 2219
section 2929.28 of the Revised Code, if the entity violating 2220
division (D) of this section is an organization, the court may 2221
impose a fine of not more than five thousand dollars. 2222

Sec. 4731.058. The state medical board and the department 2223
of mental health and addiction services shall adopt rules to 2224
encourage licensees to inform the public about the do not 2225
possess firearms registry created under section 2923.22 of the 2226
Revised Code. 2227

Section 2. That existing sections 149.43, 2923.11, 2228

2923.125, 2923.128, and 2923.20 of the Revised Code are hereby 2229
repealed. 2230

Section 3. The Attorney General shall implement and manage 2231
a public awareness campaign regarding the do not possess 2232
firearms registry, which may include online materials, printed 2233
materials, and public service announcements. At a minimum, the 2234
campaign shall include information about the do not possess 2235
firearms registry, how a person may register, and contact 2236
information for a person to obtain additional information about 2237
the registry. 2238

Section 4. This act shall be known as the Suicide Self- 2239
Defense Act. 2240

Section 5. The General Assembly, applying the principle 2241
stated in division (B) of section 1.52 of the Revised Code that 2242
amendments are to be harmonized if reasonably capable of 2243
simultaneous operation, finds that the following sections, 2244
presented in this act as composites of the sections as amended 2245
by the acts indicated, are the resulting versions of the 2246
sections in effect prior to the effective date of the sections 2247
as presented in this act: 2248

Section 2923.125 of the Revised Code as amended by both 2249
H.B. 281 and S.B. 288 of the 134th General Assembly. 2250

Section 2923.128 of the Revised Code as amended by H.B. 2251
281, S.B. 215, and S.B. 288, all of the 134th General Assembly. 2252