



# OHIO LEGISLATIVE SERVICE COMMISSION

---

## **Synopsis of Senate Committee Amendments\***

Dennis M. Papp and Jeff Hobday

### **Sub. H.B. 228**

132nd General Assembly  
(S. Government Oversight and Reform)

Removes provisions that expanded the circumstances under which a person has no duty to retreat before using force in self-defense, defense of another, or defense of the person's residence.

Removes provisions that limited the use of self-defense, defense of another, or defense of that person's residence in tort and criminal actions under certain circumstances.

Modifies a provision that requires a person charged with an offense to present evidence "upon which a factfinder could rationally find, when reviewed in the light most favorable to the accused," that the accused acted in self-defense such that instead, the person must present evidence "that tends to support" that the accused acted in self-defense.

Provides for a delayed effective date for changes to the state preemption statute such that the statute will become effective nine months after the effective date of the bill.

Instead of eliminating provisions that required the posting of signs that warn against the conveyance of a deadly weapon or dangerous ordnance onto specified premises, replaces the current law provisions with a provision that does not name specific entities but instead specifies that each person, board, or entity that owns or controls any place or premises identified in R.C. 2923.126(B) to post the sign.

Removes provisions that modified requirements regarding concealed handgun licensees and keeping hands in plain sight during a law enforcement stop.

Permits a corrections officer employed by a multicounty, municipal-county, or multicounty-municipal correctional center to carry a firearm while on duty if the officer has received firearms training and is specifically authorized to carry firearms by the person in charge of the correctional center in which the officer serves.

\* This synopsis does not address amendments that may have been adopted on the Senate Floor.

Removes provisions that would have reduced certain carrying concealed weapons offenses and improperly handling firearms in motor vehicle offenses to minor misdemeanors under certain circumstances.

Removes a provision that would have provided an affirmative defense to improperly handling firearms in a motor vehicle under certain circumstances.

Removes provisions that would have prohibited a rental agreement for subsidized residential premises from requiring a tenant to agree to a prohibition or restriction on the possession of a firearm within the tenant's rental dwelling unit, and prohibited a landlord from imposing reasonable restrictions on the possession of a firearm in common areas.

Enacts a provision that specifies that a law enforcement officer holds public office on a continuing basis and has a continuing duty to enforce laws and is always on duty, regardless of whether the officer is, or is not, officially within work hours or officially on the clock.

Adds a new general exemption from "illegal possession of a firearm in a liquor permit premises" for law enforcement officers and BCII investigators who are authorized to carry firearms but are not acting within the scope of the officer's or investigator's duties and are carrying validating identification, under certain circumstances.

Repeals the existing exemption from "illegal possession of a firearm in a liquor permit premises" for persons employed in Ohio who are subject to and in compliance with existing firearms requalification laws, that applies in all circumstances (but they are included within the scope of the exemption described in the previous sentence).

Specifies that, subject to an agency "opt-out" provision the bill enacts, an establishment serving the public may not bar a law enforcement officer or BCII investigator who is carrying validating identification from carrying a weapon on the premises that the individual is authorized to carry, regardless of whether the individual is acting within the scope of their duties while carrying the weapon.

Provides that the owner and operator of, or the employer of persons at, an establishment serving the public is immune from liability in a civil action for injury, death, or loss that allegedly was caused by or related to a law enforcement officer or BCII investigator bringing a weapon into, or on the premises of, the establishment, except in cases involving malicious purpose, bad faith, or wanton or reckless actions by the owner, operator, or employer.

Repeals a provision under which a law enforcement agency that employs a peace officer is immune from liability in a civil action to recover damages for injury, death, or loss allegedly caused by any act of that officer that occurred while the officer carried a concealed handgun and was off duty if the act allegedly involved the officer's use of the concealed handgun and under which existing Revised Code provisions regarding governmental immunity and potential liability are specified as applying to any civil action involving a peace officer's use of a concealed handgun in the performance of the officer's official duties while the officer is off duty.