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H.B. 89
134th General Assembly

Bill Analysis

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Version: As Reported by House State and Local Government

Primary Sponsor: Rep. Wiggam

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SUMMARY

- Modifies the duty of a concealed handgun licensee and of an active duty military member to make certain disclosures to a law enforcement officer or State Highway Patrol motor carrier enforcement unit employee if the licensee or military member (1) is stopped and (2) is carrying a concealed handgun or, if in a motor vehicle, has a loaded handgun in the vehicle.
- Requires the licensee or military member, before or at the time the officer or employee requests the person's concealed handgun license or asks if the person is carrying a concealed handgun, to do both of the following:
 - Display the person's concealed handgun license or documents demonstrating the person is a qualified military member or orally inform the officer or employee that the person has been issued such a license or is so authorized to carry a concealed handgun as a military member;
 - Disclose that the person is carrying a handgun or, if in a motor vehicle, that there is a loaded handgun in the vehicle.
- Eliminates the penalty for a violation of the duty to notify.

DETAILED ANALYSIS

Duty to notify law enforcement of handgun possession

Stop of a concealed handgun licensee

Under the bill, if a concealed handgun licensee (CCW licensee) is stopped for a law enforcement purpose and is carrying a concealed handgun, before or at the time a law enforcement officer requests the person's concealed handgun license (CCW license) or asks if the person is carrying a concealed handgun, the person must do both of the following:

- Display the person's CCW license or orally inform the officer that the person has been issued such a license;
- Disclose that the person is carrying a concealed handgun.

Under current law, the person must promptly inform any law enforcement officer who approaches the person after the person has been stopped that the person has been issued a CCW license and that the person is carrying a concealed handgun.¹

Motor vehicle stops – CCW licensee or active duty military member

The bill makes similar revisions to the continuing duty to notify in regards to motor vehicle stops. Under the bill, if a CCW licensee or an active duty military member is in a motor vehicle that is stopped for a traffic or other law enforcement purpose and has a loaded handgun in the vehicle, before or at the time the person's concealed handgun license is requested or the person is asked whether the person is carrying a concealed handgun, the person must do both of the following:

- Display the person's CCW license or documents demonstrating the person is a qualified military member or orally inform the officer that the person has been issued a CCW license or is authorized to carry as a military member;
- Disclose that the person possesses or has a loaded handgun in the vehicle.

The bill imposes a parallel requirement for commercial motor vehicles stopped for a specified purpose by an employee of the State Highway Patrol's motor carrier enforcement unit.

Under current law, the person must promptly inform any law enforcement officer or motor carrier enforcement unit employee who approaches the vehicle while stopped that the person has been issued a CCW license or is authorized to carry as an active duty military member and that the person possesses or has a loaded handgun in the vehicle.²

Penalty for failure to comply

The bill eliminates the penalty for a violation of the above duties. Under current law, the penalty is generally a first degree misdemeanor and the licensee's CCW license is generally suspended. But, if the law enforcement officer or motor carrier enforcement unit employee had actual knowledge that the person was a CCW licensee, the penalty is a minor misdemeanor and the license is not suspended.³

¹ R.C. 2923.12(B)(1) and 2923.126(A).

² R.C. 2923.126(A) and 2923.16(E)(1) and (2) and R.C. 5503.34, not in the bill.

³ R.C. 2923.12(F), 2923.128(A), and 2923.16(I).

HISTORY

Action	Date
Introduced	02-09-21
Reported, H. State and Local Government	03-10-21
