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# OHIO LEGISLATIVE SERVICE COMMISSION

Office of Research  
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Office

H.B. 227  
134<sup>th</sup> General Assembly

## Bill Analysis

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**Version:** As Passed by the House

**Primary Sponsors:** Reps. Brinkman and Jordan

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### SUMMARY

- Allows a person who is at least 21 years of age and is not prohibited under the law of the state or the United States from possessing a firearm to carry a firearm without obtaining a concealed handgun license.
- Eliminates the requirement that a concealed handgun licensee must carry a concealed handgun license in order to carry a concealed handgun, and instead requires that the person has been issued a concealed handgun license that is valid at the time of the carrying or possession.
- Eliminates the requirement that an active duty member of the armed forces must carry a valid military identification and documentation of successful completion of firearms training, and instead requires that the active duty member has been issued such valid military identification and documentation.
- Eliminates the penalties for carrying concealed weapons associated with a concealed handgun licensee producing a concealed handgun license and an active duty member producing a valid military identification card and documentation of successful completion of firearms training.
- Provides that the penalty for carrying concealed weapons is a minor misdemeanor if the offender is a concealed handgun licensee, an active duty member, or a person who is at least 21 years of age and is not prohibited under the law of the state or the United States from possessing a firearm.
- Modifies the duty of a concealed handgun licensee, active duty member, or person who is at least 21 years of age and is not prohibited under the law of the state or the United States from possessing a firearm to make certain disclosures to a law enforcement officer or motor carrier enforcement unit employee if the person is stopped and is carrying a concealed handgun or, if in a motor vehicle, has a loaded handgun in the vehicle.

- Requires the concealed handgun licensee, active duty member, or person who is at least 21 years of age and is not prohibited under the law of the state or the United States from possessing a firearm, before or at the time the law enforcement officer or motor carrier unit employee asks if the person is carrying a concealed handgun, to disclose that the person is carrying a concealed 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.
- Allows an applicant for a concealed handgun license, a temporary emergency concealed handgun license, or a renewal of a concealed handgun license who is a resident of the state to apply to the sheriff of any county, instead of only to the sheriff of the applicant's county of residence or an adjacent county.
- Allows a sheriff to provide up to eight hours during which the sheriff accepts concealed handgun applications or renewal applications only from county residents and provides information on concealed handgun applications only to county residents.
- For each hour provided in the preceding dot point, the sheriff must provide an additional hour each week during which the sheriff accepts concealed handgun applications or renewal applications from any person and provides information on concealed handgun applications to any person.
- Allows the sheriff to expend the fees deposited into the sheriff's concealed handgun license issuance expense fund for either of the following:
  - Any costs incurred for nonlethal weapons and supplies to be used by the sheriff or the sheriff's employees, including costs incurred for training on the use of nonlethal weapons;
  - Any costs incurred for a sheriff's employee to attend a basic peace officer training academy or a basic correction officer academy approved by the Ohio peace officer training commission.

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## DETAILED ANALYSIS

### **Eliminates requirement that a license must be obtained**

The bill allows a person who is at least 21 years of age and who is not prohibited under the law of the state or the United States from possessing a firearm to carry a firearm without obtaining a concealed handgun license.<sup>1</sup> The person has the same right to carry a concealed handgun in the state as a person who was issued a concealed handgun license and is subject to the same restrictions.<sup>2</sup>

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<sup>1</sup> R.C. 1547.69(H)(2), 2923.12(C)(2), 2923.121(B)(1)(d) and (f), 2923.122(D)(3), 2923.123(C)(6), 2923.1210(A), and 2923.16(F)(5) and (L).

<sup>2</sup> R.C. 2923.126(E)(4).

The bill provides that the availability of a concealed handgun license should not be construed to prohibit or restrict a person from possessing, carrying, or transporting a firearm in a vehicle or on or about the person's person, whether concealed or unconcealed, loaded or unloaded, without a valid concealed handgun license if the possession, carrying, or transport in the manner in question is otherwise permitted by law.<sup>3</sup>

### **Eliminates requirement that a license must be carried**

The bill eliminates the requirement that a concealed handgun licensee must carry a concealed handgun license in order to carry a concealed handgun. Instead, the bill requires that the person has been issued a concealed handgun license that is valid at the time of the carrying or possession.

The bill also eliminates the requirement that an active duty member of the armed forces must carry a valid military identification and documentation of successful completion of firearms training that meets or exceeds the training requirements for a concealed handgun licensee. Instead, the bill requires that the active duty member of the armed forces has been issued a valid military identification and documentation of successful completion of firearms training that meets or exceeds the training requirements for a concealed handgun license that are valid at the time of the carrying or possession.<sup>4</sup>

### **Modifies carrying concealed weapons penalties**

Under current law, the offense of "carrying concealed weapons" prohibits a person from knowingly carrying or having, concealed on the person's person or concealed ready at hand, any of the following:<sup>5</sup>

1. A deadly weapon other than a handgun;
2. A handgun other than a dangerous ordnance;
3. A dangerous ordnance.

The bill modifies the carrying concealed weapons penalties in two ways. First, the bill modifies the penalty for carrying concealed weapons to a minor misdemeanor if the offender is a concealed handgun licensee and has been issued a concealed handgun license that is valid at the time of the violation, is an active duty member of the armed forces and has been issued a valid military identification and documentation of successful completion of firearms training that meets or exceeds the training requirements for a concealed handgun license that are valid at the time of the carrying or possession, or is at least 21 years of age and is not prohibited under the law of this state or the United States from possessing a firearm.

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<sup>3</sup> R.C. 2923.125(J) and 2923.1213(J).

<sup>4</sup> R.C. 1547.69(H)(2), 2923.12(C)(2), 2923.121(B)(1)(d) and (f), 2923.122(D)(3), 2923.123(C)(6), 2923.126(A), (D), (E)(2), and (F)(1), 2923.1213(C), and 2923.16(F)(5) and (L).

<sup>5</sup> R.C. 2923.12(A).

Second, the bill eliminates the carrying concealed weapons penalties associated with a concealed handgun licensee producing a concealed handgun license and an active duty member producing a valid military identification card and documentation of successful completion of firearms training that meets or exceeds the training requirements for a concealed handgun license.<sup>6</sup>

### **Current law penalties for concealed handgun licensee**

Under current law, if a person being arrested for carrying a concealed handgun promptly produces a valid concealed handgun license, and if at the time of the violation the person was not knowingly in an unauthorized place, the officer must not arrest the person for a violation. If the person is not able to promptly produce a concealed handgun license and if the person is not in an unauthorized place, the officer may arrest the person for a violation, and the offender must be punished as follows:<sup>7</sup>

- The offender is guilty of a minor misdemeanor if both of the following apply:
  - Within ten days after the arrest, the offender presents a concealed handgun license, which license was valid at the time of the arrest to the law enforcement agency that employs the arresting officer.
  - At the time of the arrest, the offender was not knowingly in an unauthorized place.
- The offender is guilty of a misdemeanor and will be fined \$500 if all of the following apply:
  - The offender previously had been issued a concealed handgun license, and that license expired within the two years immediately preceding the arrest.
  - Within 45 days after the arrest, the offender presents a concealed handgun license to the law enforcement agency that employed the arresting officer, and the offender waives in writing the offender's right to a speedy trial on the charge of the violation.
  - At the time of the commission of the offense, the offender was not knowingly in an unauthorized place.

### **Current law penalties for active duty military members**

Under current law, if a person is being arrested for carrying a concealed handgun, is an active duty military member, and is carrying a valid military identification and documentation of successful completion of firearms training that meets or exceeds the training requirements for a concealed handgun license, and if at the time of the violation the person was not knowingly in an unauthorized place, the officer must not arrest the person for a violation. If the person is not able to promptly produce a valid military identification and documentation of successful completion of firearms training that meets or exceeds the training requirements for a

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<sup>6</sup> R.C. 2923.12(F)(1) and (2).

<sup>7</sup> R.C. 2923.12(F)(2), repealed by the bill, and 2923.126(B).

concealed handgun license and if the person is not in an unauthorized place, the officer must issue a citation and the offender will be assessed a civil penalty of not more than \$500. The citation must be automatically dismissed and the civil penalty must not be assessed if both of the following apply:<sup>8</sup>

- Within ten days after the issuance of the citation, the offender presents a valid military identification and documentation of successful completion of firearms training that meets or exceeds the training requirements for a concealed handgun license, which were both valid at the time of the issuance of the citation to the law enforcement agency that employs the citing officer.
- At the time of the citation, the offender was not knowingly in an unauthorized place.

### **Current law penalties for carrying on institution of higher education premises**

Under current law, if a person is being arrested for carrying a concealed handgun and is knowingly on premises owned or leased by any public or private institution of higher education and is not authorized to carry a handgun or have a handgun concealed on the person's person or concealed ready at hand on those premises, the penalty must be as follows:<sup>9</sup>

- If the person produces a valid concealed handgun license within ten days after the arrest and has not been previously convicted of or pleaded guilty to carrying a concealed handgun, the person is guilty of a minor misdemeanor.
- If the person has been previously convicted of or pleaded guilty to carrying a concealed handgun, the person is guilty of a fourth degree misdemeanor.
- If the person has been previously convicted of or pleaded guilty to two violations of carrying a concealed handgun, the person is guilty of a third degree misdemeanor.
- If the person has previously been convicted of or pleaded guilty to three or more violations of carrying a concealed handgun, the person is guilty of a second degree misdemeanor.

### **Modifies requirement that a licensee has a duty to notify**

#### **Stop**

Under the bill, a person who has been issued a concealed handgun license or is at least 21 years of age and is not prohibited under the law of the state or the United States from possessing a firearm and who is stopped for a law enforcement purpose and is carrying a concealed handgun, before or at the time a law enforcement officer asks if the person is carrying a concealed handgun, the person must disclose that the person then is carrying a concealed handgun.

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<sup>8</sup> R.C. 2923.12(F)(6), repealed by the bill, and 2923.126(B).

<sup>9</sup> R.C. 2923.12(F)(7), repealed by the bill, and 2923.126(B)(5).

Under current law, a concealed handgun licensee must promptly inform any law enforcement officer who approaches the person after the person has been stopped that the person has been issued a concealed handgun license and that the person then is carrying a concealed handgun.<sup>10</sup>

### **Motor vehicle stop**

Under the bill, a person who has been issued a concealed handgun license, is an active duty member of the armed forces and has been issued a valid military identification card and documentation of successful completion of firearms training that meets or exceeds the training requirements for a concealed handgun license, or is at least 21 years of age and is not prohibited under the law of the state or the United States from possessing a firearm and who is the driver or occupant of a motor vehicle stopped for a law enforcement purpose or the driver or occupant of a commercial motor vehicle stopped for a specified purpose and is transporting or has a loaded handgun in the motor vehicle, before or at the time a law enforcement officer or motor carrier enforcement unit employee asks if the person is carrying a concealed handgun, the person must disclose that the person then possesses or has a loaded handgun in the motor vehicle.

Under current law, a concealed handgun licensee or active duty member must promptly inform any law enforcement officer or motor carrier enforcement unit employee who approaches the person after the person has been stopped that the person has been issued a concealed handgun license or is authorized to carry a concealed handgun as an active duty member and that the person then possesses or has a loaded handgun in the motor vehicle.<sup>11</sup>

### **Penalty for failure to comply with duty to notify**

The bill eliminates the penalty for a violation of the above duty to notify. Under current law, the penalty is generally a first degree misdemeanor and the person's concealed handgun license is generally suspended. But, if the law enforcement officer or motor carrier enforcement unit employee had actual knowledge that the person was a concealed handgun licensee, the penalty is a minor misdemeanor and the license is not suspended.<sup>12</sup>

### **Duty to notify and other law enforcement duties**

The bill retains the duty to notify provisions above and other law enforcement duties not amended by the bill, but eliminates substantially equivalent language found elsewhere in the Revised Code.<sup>13</sup>

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<sup>10</sup> R.C. 2923.12(B)(1).

<sup>11</sup> R.C. 2923.16(E)(1) and (2).

<sup>12</sup> R.C. 2923.12(F)(3), repealed by the bill, 2923.128(A), and 2923.16(I).

<sup>13</sup> R.C. 2923.126(A).

## **Modifies license application and renewal procedures**

The bill allows an applicant for a concealed handgun license or a temporary emergency concealed handgun license who is a resident of the state to apply to the sheriff of any county, rather than only to the sheriff of the applicant's county of residence or an adjacent county.<sup>14</sup>

Similarly, the bill allows an applicant for a renewal of a concealed handgun license who is a resident of the state to file with the sheriff of any county, rather than only to the sheriff of the applicant's county of residence or an adjacent county.<sup>15</sup>

Current law requires a sheriff to provide at least 15 hours a week during which the sheriff accepts concealed handgun applications or renewal applications and provides information on concealed handgun applications. The bill allows a sheriff to provide up to eight hours each week (outside of the 15 hours) during which the sheriff accepts concealed handgun applications or renewal applications only from county residents and provides information on concealed handgun applications only to county residents. For each of these hours, the sheriff must provide an additional hour each week during which the sheriff accepts concealed handgun applications or renewal applications from any person and provides information on concealed handgun applications to any person. Current law requires the sheriff to post notice of the hours during which the sheriff is available to accept or provide the above information.

Nothing in the bill must be construed to prohibit the sheriff from offering more hours during which the sheriff is available to accept or provide the above information to or from any person.<sup>16</sup>

## **Expands sheriff's concealed handgun license issuance expense fund**

The bill allows the sheriff to expend the fees deposited into the sheriff's concealed handgun license issuance expense fund for any costs incurred for nonlethal weapons and supplies to be used by the sheriff or the sheriff's employees, including costs incurred for training on the use of nonlethal weapons, or any costs incurred for a sheriff's employee to attend a basic peace officer training academy or a basic correction officer academy approved by the Ohio peace officer training commission.

Current law allows the sheriff to expend the fees for any costs incurred by the sheriff in connection with performing administrative duties related to the issuance of concealed handgun licenses, ammunition and firearms to be used by the sheriff and the sheriff's employees, and any costs incurred in constructing, maintaining, or renovating a shooting range to be used by the sheriff or the sheriff's employees.<sup>17</sup>

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<sup>14</sup> R.C. 2923.125(B) and 2923.1213(B).

<sup>15</sup> R.C. 2923.125(F)(1)(a) and (4).

<sup>16</sup> R.C. 2923.125(I).

<sup>17</sup> R.C. 311.42(B).

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## HISTORY

Action	Date
Introduced	03-23-21
Reported, H. Government Oversight	11-01-21
Passed House (60-32)	11-17-21

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