



OHIO LEGISLATIVE SERVICE COMMISSION

Bill Analysis

Sarah A. Maki

Sub. H.B. 142

132nd General Assembly
(As Passed by the House)

Reps. Wiggam and Holmes, Lipps, Goodman, Kick, Merrin, Hood, Thompson, Conditt, Keller, Vitale, Roegner, Koehler, Brinkman, Becker, Seitz, Dean, Anielski, Antani, Brenner, Butler, Duffey, Ginter, Green, Greenspan, Hagan, Hambley, Henne, Johnson, Lanese, Lang, McColley, Patton, Retherford, Rezabek, Riedel, Romanchuk, Schaffer, Schuring, R. Smith, Sprague, Stein, Young, Zeltwanger, Rosenberger

BILL SUMMARY

- Modifies the requirements that a concealed handgun licensee or active duty military member notify a law enforcement officer or employee of the motor carrier enforcement unit when stopped that the person is carrying a concealed handgun or has a loaded handgun in the vehicle.
- Reduces the criminal penalties associated with failure to comply with the notification requirements to a minor misdemeanor with a maximum fine of \$25 and eliminates the possibility of having a concealed handgun license suspended due to a violation of those requirements.

CONTENT AND OPERATION

Concealed handgun notification requirements

The bill modifies certain requirements that a concealed handgun licensee or active duty military member must follow when stopped by a law enforcement officer or motor carrier enforcement unit employee. Under the bill, if a concealed handgun licensee is stopped for a law enforcement purpose and is carrying a concealed handgun, and a law enforcement officer requests the person's driver's license or state identification card ("ID"), the person must do both of the following:¹

¹ R.C. 2923.12(B)(1) and 2923.126(A)(4).

(1) Display the person's concealed handgun license with the driver's license or state ID or orally inform the officer, at the same time as displaying the driver's license or state ID, that the person has been issued a concealed handgun license; and

(2) Disclose that the person then is carrying a concealed handgun.

Similarly, if a law enforcement officer or employee of the motor carrier enforcement unit stops a motor vehicle and the driver or occupant of the vehicle is transporting or has a loaded handgun in the vehicle, and if the officer or employee requests the person's driver's license or state ID, the person must do both of the following:²

(1) Display the person's concealed handgun license or documents demonstrating the person to be a qualified military member with the driver's license or state ID or orally inform the officer or employee, at the same time as displaying the driver's license or state ID, that the person has been issued a concealed handgun license or is authorized to carry a concealed handgun as an active duty military member; and

(2) Disclose that the person then possesses or has a loaded handgun in the motor vehicle.

Under current law, if a concealed carry licensee is stopped for a law enforcement purpose and is carrying a concealed handgun, 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 concealed handgun license and is then carrying a concealed handgun. Similarly, a concealed handgun licensee or qualified military member must promptly notify an officer of a loaded handgun in a motor vehicle when stopped for a traffic violation or other law enforcement purpose. Additionally, a driver or occupant of a commercial motor vehicle who is also a concealed handgun licensee or qualified military member must promptly notify an employee of the motor carrier enforcement unit when stopped that the person is a licensee or is authorized to carry a concealed handgun as an active duty military member and has a loaded handgun in the vehicle.³

Penalty for failure to comply

The bill modifies the criminal penalties associated with failure to comply with the notification requirements, and eliminates the possibility of having one's concealed handgun license suspended due to a violation of those requirements. Under current

² R.C. 2923.126(A)(2) and (3) and 2923.16(E)(1) and (2).

³ R.C. 2923.12(B)(1), 2923.126(A), and 2923.16(E)(1) and (2).



law, a violation of the notification requirements is generally a first degree misdemeanor and results in suspension of the licensee's concealed handgun license unless the law enforcement officer had actual knowledge that the person was a licensee, in which case the violation is a minor misdemeanor and the license is not suspended. The bill reduces the penalty for a violation of any of the notification requirements to a minor misdemeanor and sets a maximum fine of \$25.⁴

HISTORY

ACTION	DATE
Introduced	03-21-17
Reported, H. Federalism & Interstate Relations	09-20-17
Passed House (69-25)	10-24-17

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⁴ R.C. 2923.12(F)(3), 2923.128, and 2923.16(I).

