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S.B. 175
133rd General Assembly

Final Analysis

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Version: As Passed by the General Assembly

Primary Sponsor: Sen. Schaffer

Effective date: April 6, 2021

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SUMMARY

- Provides that a person has no duty to retreat before using force in self-defense, defense of another, or defense of the person's residence if the person is in a place in which the person lawfully has a right to be.
- Grants qualified civil immunity to a nonprofit corporation for injury, death, or loss caused by or related to a concealed handgun licensee bringing a handgun onto the nonprofit corporation's premises or to an event organized by it.
- Grants absolute civil immunity to a nonprofit corporation for injury, death, or loss caused by or related to the nonprofit corporation's decision to permit a concealed handgun licensee to bring a handgun onto its premises or to an event organized by it.

DETAILED ANALYSIS

Self-defense

Duty to retreat

For purposes of a tort action or a criminal offense, the act specifies that a person has no duty to retreat before using force in self-defense, defense of another, or defense of the person's residence if the person is in a place in which the person lawfully has a right to be. This expands former law, which specifies that a person has no duty to retreat before using force in self-defense, defense of another, or defense of the person's residence if the person is lawfully in the person's residence, the person's vehicle, or the vehicle of an immediate family member.

The act provides that a trier of fact is not to consider the possibility of retreat as a factor in determining whether or not a person who used force in self-defense, defense of another, or

defense of the person's residence reasonably believed that the force was necessary to prevent injury, loss, or risk to life or safety.¹

Burden of proof

Continuing law specifies that if, at the trial of a person who is accused of an offense that involved the person's use of force against another, there is evidence presented that tends to support that the accused used the force in self-defense, defense of another, or defense of the person's residence, the prosecution must prove beyond a reasonable doubt that the accused person did not use the force in self-defense, defense of another, or defense of that person's residence. The act clarifies that that burden of proof referred to is the burden of proof "presented" in R.C. 2901.05(B)(1).²

Nonprofit corporation's immunity regarding concealed handgun licensee

The act provides that a "nonprofit corporation" is immune from liability in a civil action for any injury, death, or loss to person or property that allegedly was caused by or related to either of the following:³

- A concealed handgun licensee bringing a handgun onto the nonprofit corporation's premises, including any motor vehicle owned by the nonprofit corporation, or to any event organized by the nonprofit corporation, unless the nonprofit corporation acted with malicious purpose;
- The nonprofit corporation's decision to permit a concealed handgun licensee to bring a handgun onto the nonprofit corporation's premises or to any event organized by the nonprofit corporation.

The act defines a "nonprofit corporation" as a private organization exempt from federal income taxation pursuant to Internal Revenue Code subsection 501(a) and described in Internal Revenue Code subsection 501(c).⁴

¹ R.C. 2307.601(B) and (C) and 2901.09(B) and (C).

² R.C. 2901.05(A) and (B)(1).

³ R.C. 2923.126(C)(2)(d).

⁴ R.C. 2923.126(G)(7).

HISTORY

Action	Date
Introduced	07-11-19
Reported, S. Judiciary	11-13-19
Passed Senate (31-0)	12-11-19
Reported, H. Civil Justice	11-18-20
Passed House (52-31)	12-17-20
Senate concurred in House amendments (18-11)	12-18-20
