

ORDINANCE NO.: 19-1177

AN ORDINANCE

**REPEALING SECTIONS 505.11, 549.08 AND 549.09 OF THE VILLAGE OF RUSSELLS
POINT CODIFIED ORDINANCES,
REPEALING AND AMENDING SECTION 549.01 OF THE VILLAGE OF RUSSELLS
POINT CODIFIED ORDINANCES,
REPEALING AND REPLACING CHAPTERS 549.04, 549.06, AND 549.10 OF THE
VILLAGE OF RUSSELLS POINT CODIFIED ORDINANCES, AND
NEWLY ENACTING SECTIONS 501.14 AND 549.12 OF THE VILLAGE OF RUSSELLS
POINT CODIFIED ORDINANCES,
TO COMPLY WITH HOUSE BILL 228,
AND DECLARING AN EMERGENCY**

WHEREAS, the 132nd General overrode Governor John Kasich's veto of House Bill 228, effective March 28, 2019, amending Ohio Revised Code Section 9.68 for the purpose of providing uniform laws throughout the State of Ohio regulating the ownership, possession, purchase, other acquisition, transport, storage, carrying, sale, other transfer, manufacture, taxation, keeping, and reporting of loss or theft of firearms, their components, and their ammunition, and declaring it proper for law-abiding people to protect themselves, their families, and others from intruders and attackers without fear of prosecution or civil action for acting in defense of themselves or others; and

WHEREAS, H.B. 228 contains a grace period until on or before December 28, 2019, for municipalities to repeal any such ordinance, rule, regulation, resolution, practice, or any other action enacted or enforced by a municipality, and any such further license, permission, restriction, delay, or process, as required under amended R.C. Section 9.68; and

WHEREAS, H.B. 228 expressly allows persons to bring challenges against municipal ordinances, rules, regulations, resolutions, practices, or any other action enacted or enforced by a municipality, that interfere with a person's right to own, possess, purchase, acquire, transport, store, carry, sell, transfer, manufacture, or keep any firearm, part of a firearm, its components, and its ammunition; and

WHEREAS, H.B. 228 expressly allows persons to bring challenges against municipal ordinances, rules, regulations, resolutions, practices, or any other action enacted or enforced by a municipality, that interfere with a person's right to protect themselves, their families, and others from intruders and attackers; and

WHEREAS, H.B. 228 expressly allows persons to bring challenges against municipal ordinances, rules, regulations, resolutions, practices, or any other action enacted or enforced by a municipality, that interfere with other legitimate uses of constitutionally protected firearms, such as hunting and sporting activities; and

WHEREAS, H.B. 228 declares null and void any license, permission, restriction, delay, or process that further interferes with a person's right to own, possess, purchase, acquire, transport, store, carry, sell, transfer, manufacture, or keep any firearm, part of a firearm, its components, and its ammunition, or that interferes with a person's right to protect themselves, their families, and others from intruders and attackers, and from other legitimate uses of constitutionally protected firearms, such as hunting and sporting activities; and

WHEREAS, H.B. 228 authorizes persons bringing such challenges to seek damages from the municipality, declaratory relief, and injunctive relief, and allows for the recovery of fees, costs, and damages to be paid by the municipality, for any such offending ordinance, rule, regulation, resolution, practice, or any other action enacted or enforced by a municipality, or for any such further license, permission, restriction, delay, or process; and

WHEREAS, H.B. 228 further amends other weapons-related laws under the Ohio Revised Code that which the Village of Russells Point has adopted into its Codified Ordinances; and

WHEREAS, to ensure the Village of Russells Point's Codified Ordinances of which have been adopted from the Ohio Revised Code remain updated with amendments made to the Ohio Revised Code, the Village of Russells repeals, amends/replaces/newly enacts those laws in its Codified Ordinances; and

WHEREAS, H.B. 228 further amends R.C. Section 2901.05, providing increased protection for defendants who assert self-defense as an affirmative defense when facing charges concerning the use of deadly force, by shifting the burden of proof from the defendant to the prosecution to demonstrate a defendant's use of deadly force was not lawful self-defense; and

WHEREAS, to ensure compliance with H.B. 228's shifted burden of proof, it is in the Village of Russells Point's best interest to enact in its Codified Ordinances a new section applicable to the Village's General Offenses Code under Part 501.14 of its Codified Ordinances, mirroring R.C. Section 2901.05, concerning burden of proof, reasonable doubt and self-defense; and

WHEREAS, H.B. 228 further enacts R.C. Section 2923.1214, banning establishments that serve the public from prohibiting or restricting law enforcement officers or investigators who carry validating identification from carrying a weapon on the premises that the officer or investigator is authorized to carry, regardless of whether the officer or investigator is acting within the scope of that officer's or investigator's duties while carrying the weapon; and

WHEREAS, to ensure compliance with H.B. 228's authorization for law enforcement officers and investigators to carry weapons in establishments that serve the public, it is in the Village of Russells Point's best interest to enact in its Codified Ordinances a new division under Section 549.12 of the Codified Ordinances, mirroring R.C. Section 2923.1214.

NOW, **THEREFORE, BE IT ORDAINED** BY THE COUNCIL OF THE VILLAGE OF RUSSELLS POINT, LOGAN COUNTY, OHIO THAT:

SECTION 1: Sections 505.11, 549.08 and 549.09 of the Village of Russells Point Codified Ordinances are hereby repealed as shown in the attached Exhibit A.

SECTION 2: Section 549.01 of the Village of Russells Point Codified Ordinances, and Chapters of the Village of Russells Point Codified Ordinances, is hereby repealed and amended as shown in the attached Exhibit A.

SECTION 3: Sections 549.04, 549.06, and 549.10 of the Village of Russells Point Codified Ordinances are repealed and replaced as shown in the attached Exhibit A.

SECTION 4: Sections 501.14 and 549.12 of the Village of Russells Point Codified Ordinances are newly enacted as shown in the attached Exhibit A.

SECTION 5: It is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were adopted in an open meeting of Council and that all deliberations of the Council and any of the decision making bodies of the Village of Russells Point which resulted in such formal actions were in meetings open to the public in compliance with all legal requirements of the State of Ohio.

SECTION 6: All prior legislation, or any parts thereof, which is/are inconsistent with this Ordinance is/are hereby repealed as to the inconsistent parts thereto.

SECTION 7: All prior ordinances, resolutions and codified ordinances in conflict with H.B. 228 that are not otherwise repealed and amended or replaced herein are declared invalid, repealed and stricken as it is the will of council to be in compliance with H.B. 228.

SECTION 7: Council declares this to be an emergency measure immediately necessary for the preservation of the public peace, health, and safety of this Village as dictated by the Ohio General Assembly.

SECTION 8: This Ordinance shall take effect and be in force on December 28, 2019.

Passed in Council this 16 day of December 2019.



Robin Reames, Mayor

ATTEST: Jeff Weidner
Jeff Weidner, Fiscal Officer

APPROVED:

Approved as to form this ____ day of November 2019.

Lynnette Dinkler, Esq.
Village Solicitor

NEWLY ENACTED

CHAPTER 501 General Provisions and Penalty

- 501.01 Definitions.
- 501.02 Classification of offenses.
- 501.03 Common law offenses abrogated.
- 501.04 Rules of construction.
- 501.05 Criminal law jurisdiction.
- 501.06 Limitation of criminal prosecution.
- 501.07 Requirements for criminal liability.
- 501.08 Culpable mental states.
- 501.09 Attempt.
- 501.10 Complicity.
- 501.11 Organizational criminal liability.
- 501.12 Personal accountability for organizational conduct.
- 501.13 Conspiracy.

501.14 BURDEN OF PROOF; REASONABLE DOUBT; SELF-DEFENSE

- 501.99 Penalties for misdemeanors.

CROSS REFERENCES

- See sectional histories for similar State law
- Limitation of prosecution for income tax violations -see Ohio R.C. 718.06
- Modification of sentence -see Ohio R.C. 2929.10(C), (D)
- Penalty considerations -see Ohio R.C. 2929.22
- Citation issuance for minor misdemeanors -see Ohio R.C. 2935.26 et seq.
- Burden of proof; reasonable doubt; self-defense – see Ohio R.C. 2901.05**

501.14 BURDEN OF PROOF; REASONABLE DOUBT; SELF-DEFENSE

- (a) **Every person accused of an offense is presumed innocent until proven guilty beyond a reasonable doubt, and the burden of proof for all elements of the offense is upon the prosecution. The burden of going forward with the evidence of an affirmative defense, and the burden of proof, by a preponderance of the evidence, for an affirmative defense other than self-defense, defense of another, or defense of the accused's residence as described in division (b)(1) of this section, is upon the accused.**
- (b)
 - (1) **A person is allowed to act in self-defense, defense of another, or defense of that person's residence. 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 person used the force in self-defense, defense of another, or defense of that 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, as the case may be.
- (2) Subject to division (b)(3) of this section, a person is presumed to have acted in self-defense or defense of another when using defensive force that is intended or likely to cause death or great bodily harm to another if the person against whom the defensive force is used is in the process of unlawfully and without privilege to do so entering, or has unlawfully and without privilege to do so entered, the residence or vehicle occupied by the person using the defensive force.
- (3) The presumption set forth in division (b)(2) of this section does not apply if either of the following is true:
- A. The person against whom the defensive force is used has a right to be in, or is a lawful residence of, the residence or vehicle.
- B. The person who uses the defensive force uses it while in a residence or vehicle and the person is unlawfully, and without privilege to be, in that residence or vehicle.
- (4) The presumption set forth in division (b)(2) of this section is a rebuttable presumption and may be rebutted by a preponderance of the evidence, provided that the prosecution's burden of proof remains proof beyond a reasonable doubt as described in divisions (a) and (b)(1) of this section.
- (c) As part of its charge to the jury in a criminal case, the court shall read the definitions of "reasonable doubt" and "proof beyond a reasonable doubt," contained in division (d) of this section.
- (d) As used in this section:
- (1) An "affirmative defense" is either of the following:
- A. A defense expressly designated as affirmative;
- B. A defense involving an excuse or justification peculiarly within the knowledge of the accused, on which the accused can fairly be required to adduce supporting evidence.
- (2) "Dwelling" means a building or conveyance of any kind that has a roof over it and that is designed to be occupied by people lodging in the building or conveyance at night, regardless of whether the building or conveyance is temporary or permanent or is mobile or immobile. As used in this division, a building or conveyance includes, but is not limited to, an attached porch, and a building or conveyance with a roof over it includes, but is not limited to, a tent.
- (3) "Residence" means a dwelling in which a person resides either temporarily or permanently or is visiting as a guest.
- (4) "Vehicle" means a conveyance of any kind, whether or not motorized, that is designed to transport people or property.
- (5) "Reasonable doubt" is present when the jurors, after they have carefully considered and compared all the evidence, cannot say they are firmly convinced of the truth of the charge. It is a doubt based on reason and common sense. Reasonable doubt is not mere possible doubt, because everything relating to human affairs or depending on moral evidence is open to some possible or imaginary doubt. "Proof beyond a reasonable doubt" is proof of such character that an ordinary person would be willing to rely and act upon it in the most important of the person's own affairs.
- (ORC 2901.05)

REPEALED

CHAPTER 505
Animals and Fowl

505.11 HUNTING PROHIBITED.

Repealed.

~~(a) No person shall hunt, kill or attempt to kill any animal or fowl by the use of firearms, bow and arrow, air rifle or any other means within the corporate limits of the Municipality.~~

~~(b) Whoever violates this section is guilty of a minor misdemeanor.~~

CHAPTER 549
Weapons and Explosives

- 549.01 Definitions.
- 549.02 Notice to Law Enforcement; Prohibited Places; Private Employers and Signage; Reciprocity
- 9.03 Using weapons while intoxicated.
- 549.04 Improperly handling firearms in a motor vehicle.; return of firearm at termination of stop.
- 549.05 Failure to secure dangerous ordnance.
- 549.06 Unlawful transactions in weapons.
- 549.07 Underage purchase of firearm.
- 549.08 Discharging firearms.
- 549.09 Throwing or shooting missiles.
- 549.10 Possessing replica firearm in school.
- 549.11 Defacing identification marks of a firearm; possessing a defaced firearm.
- 549.12
- 549.99 Penalty.

CROSS REFERENCES

See sectional histories for similar State law

A Right to bear arms – challenge to law - See Ohio R.C. 9.68

License or permit to possess dangerous ordnance - see Ohio R.C. 2923.18

Hunting prohibited - see GEN. OFF. 505.11

Reporting gunshot and stab wounds - see GEN. OFF. 525.05(b)

Property destruction by tear gas device, etc. - see GEN. OFF. 541.04

REPEALED AND AMENDED

549.01 DEFINITIONS.

As used in this chapter:

- (a) "Deadly weapon" means any instrument, device or thing capable of inflicting death, and designed or specially adapted for use as a weapon, or possessed, carried or used as a weapon.
- (b)
 - (1) "Firearm" means any deadly weapon capable of expelling or propelling one or more projectiles by the action of an explosive or combustible propellant. "Firearm" includes an unloaded firearm, and any firearm that is inoperable but that can readily be rendered operable.
 - (2) When determining whether a firearm is capable of expelling or propelling one or more projectiles by the action of an explosive or combustible propellant, the trier of fact may rely upon circumstantial evidence, including, but not limited to, the representations and actions of the individual exercising control over the firearm.
- (c) "Handgun" means any of the following:
 - (1) Any firearm that has a short stock and is designed to be held and fired by the use of a single hand;
 - (2) Any combination of parts from which a firearm of a type described in subsection (c)(1) of this section can be assembled.
- (d) "Semi-automatic firearm" means any firearm designed or specially adapted to fire a single cartridge and automatically chamber a succeeding cartridge ready to fire, with a single function of the trigger.
- (e) "Automatic firearm" means any firearm designed or specially adapted to fire a succession of cartridges with a single function of the trigger.
- (f) "Sawed-off firearm" means a shotgun with a barrel less than eighteen inches long, or a rifle with a barrel less than sixteen inches long, or a shotgun or rifle less than twenty-six inches long overall. **"Sawed-off firearm" does not include any firearm with an overall length of at least twenty-six inches that is approved for sale by the Federal Bureau of Alcohol, Tobacco, Firearms, and Explosives under the "Gun Control Act of 1968," 82 Stat. 1213, 18 U.S.C. 92(a)(3), but that is found by the Bureau not to be regulated under the "National Firearms Act," 68A Stat. 725 (1934), 26 U.S.C. 5845(a).**
- (g) "Zip-gun" means any of the following:
 - (1) Any firearm of crude and extemporized manufacture;
 - (2) Any device, including without limitation a starter's pistol, that is not designed as a firearm, but that is specially adapted for use as a firearm;
 - (3) Any industrial tool, signaling device or safety device, that is not designed as a firearm, but that as designed is capable of use as such, when possessed, carried or used as a firearm.
- (h) "Explosive device" means any device designed or specially adapted to cause physical harm to persons or property by means of an explosion, and consisting of an explosive substance or agency and a means to detonate it. "Explosive device" includes without limitation any bomb, any explosive demolition device, any blasting cap or detonator containing an explosive charge, and any pressure vessel that has been knowingly tampered with or arranged so as to explode.
- (i) "Incendiary device" means any firebomb, and any device designed or specially adapted to cause physical harm to persons or property by means of fire, and consisting of an incendiary

substance or agency and a means to ignite it.

- (j) "Ballistic knife" means a knife with a detachable blade that is propelled by a spring-operated mechanism.
- (k) "Dangerous ordnance" means any of the following, except as provided in subsection (l) hereof:
 - (1) Any automatic or sawed-off firearm, zip-gun or ballistic knife;
 - (2) Any explosive device or incendiary device;
 - (3) Nitroglycerin, nitrocellulose, nitrostarch, PETN, cyclonite, TNT, picric acid and other high explosives; amatol, tritonal, tetrytol, pentolite, peccretol, cyclotol and other high explosive compositions; plastic explosives; dynamite, blasting gelatin, gelatin dynamite, sensitized ammonium nitrate, liquid-oxygen blasting explosives, blasting powder and other blasting agents; and any other explosive substance having sufficient brisance or power to be particularly suitable for use as a military explosive, or for use in mining, quarrying, excavating or demolitions;
 - (4) Any firearm, rocket launcher, mortar, artillery piece, grenade, mine, bomb, torpedo or similar weapon, designed and manufactured for military purposes, and the ammunition for that weapon;
 - (5) Any firearm muffler or suppressor;
 - (6) Any combination of parts that is intended by the owner for use in converting any firearm or other device into a dangerous ordnance.
 - (7) **Any firearm with an overall length of at least twenty-six inches that is approved for sale by the Federal Bureau of Alcohol, Tobacco, Firearms, and Explosives under the "Gun Control Act of 1968," 82 Stat. 1231, 18 U.S.C. 921(a)(3), but that is found by the Bureau not to be regulated under the "National Firearms Act." 68A Stat. 725 (1934), 26 U.S.C. 5845(a).**
- (l) "Dangerous ordnance" does not include any of the following:
 - (1) Any firearm, including a military weapon and the ammunition for that weapon, and regardless of its actual age, that employs a percussion cap or other obsolete ignition system, or that is designed and safe for use only with black powder;
 - (2) Any pistol, rifle or shotgun, designed or suitable for sporting purposes, including a military weapon as issued or as modified, and the ammunition for that weapon unless the firearm is an automatic or sawed-off firearm;
 - (3) Any cannon or other artillery piece that, regardless of its actual age, is of a type in accepted use prior to 1887, has no mechanical, hydraulic, pneumatic or other system for absorbing recoil and returning the tube into battery without displacing the carriage, and is designed and safe for use only with black powder;
 - (4) Black powder, priming quills and percussion caps possessed and lawfully used to fire a cannon of a type defined in subsection (l)(3) hereof during displays, celebrations, organized matches or shoots, and target practice, and smokeless and black powder, primers and percussion caps possessed and lawfully used as a propellant or ignition device in small-arms or small-arms ammunition;
 - (5) Dangerous ordnance that is inoperable or inert and cannot readily be rendered operable or activated, and that is kept as a trophy, souvenir, curio or museum piece.
 - (6) Any device that is expressly excepted from the definition **by state and federal law including but not limited to** a destructive device pursuant to the "Gun Control Act of 1968," 82 Stat. 1213, 18 U.S.C. 921(a)(4), as amended, and regulations issued under that Act.

- (m) "Explosive" means any chemical compound, mixture, or device, the primary or common purpose of which is to function by explosion. "Explosive" includes all materials that have been classified as division 1.1, division 1.2, division 1.3, or division 1.4 explosives by the United States Department of Transportation in its regulations and includes, but is not limited to, dynamite, black powder, pellet powders, initiating explosives, blasting caps, electric blasting caps, safety fuses, fuse igniters, squibs, cordeau detonant fuses, instantaneous fuses, and igniter cords and igniters. "Explosive" does not include "fireworks", as defined in Ohio R.C. 3743.01, or any substance or material otherwise meeting the definition of explosive set forth in this section that is manufactured, sold, possessed, transported, stored or used in any activity described in Ohio R.C. 3743.80, provided the activity is conducted in accordance with all applicable laws, rules and regulations, including, but not limited to, the provisions of Ohio R.C. 3743.80, and the rules of the Fire Marshal adopted pursuant to Ohio R.C. 3737.82.
- (n) (1) "Concealed handgun license" or "license to carry a concealed handgun" means, subject to subsection (n)(2) of this section, a license or temporary emergency license to carry a concealed handgun issued under Ohio R.C. 2923.125 or 2923.1213 or a license to carry a concealed handgun issued by another state with which the Attorney General has entered into a reciprocity agreement under Ohio R.C. 109.69.
- (2) A reference in any provision of the Ohio Revised Code to a concealed handgun license issued under Ohio R.C. 2923.125 or a license to carry a concealed handgun issued under Ohio R.C. 2923.125 means only a license of the type that is specified in that section. A reference in any provision of the Ohio Revised Code to a concealed handgun license issued under Ohio R.C. 2923.1213, a license to carry a concealed handgun issued under Ohio R.C. 2923.1213, or a license to carry a concealed handgun on a temporary emergency basis means only a license of the type that is specified in Ohio R.C. 2923.1213. A reference in any provision of the Ohio Revised Code to a concealed handgun license issued by another state or a license to carry a concealed handgun issued by another state means only a license issued by another state with which the Attorney General has entered into a reciprocity agreement under Ohio R.C. 109.69.
- (o) "Valid concealed handgun license" or "valid license to carry a concealed handgun" means a concealed handgun license that is currently valid, that is not under a suspension under division (A)(1) of Ohio R.C. 2923.128, under Ohio R.C. 2923.1213, or under a suspension provision of the state other than this State in which the license was issued, and that has not been revoked under division (B)(1) of Ohio R.C. 2923.128, under Ohio R.C. 2923.1213 or under a revocation provision of the state other than this State in which the license was issued.
- (p) "Misdemeanor punishable by imprisonment for a term exceeding one year" does not include any of the following:
- (1) Any federal or state offense pertaining to antitrust violations, unfair trade practices, restraints of trade or other similar offenses relating to the regulation of business practices;
 - (2) Any misdemeanor offense punishable by a term of imprisonment of two years or less.
- (q) "Alien registration number" means the number issued by the United States Citizenship and Immigration Services Agency that is located on the alien's permanent resident card and may also be commonly referred to as the "USCIS number" or the "alien number".
- (r) "Active duty" has the same meaning as defined in 10 U.S.C. 101.
(ORC 2923.11)

REPEALED AND REPLACED

549.04 IMPROPERLY HANDLING FIREARMS IN A MOTOR VEHICLE

~~(a) No person shall knowingly transport or have a firearm in a motor vehicle, unless the person may lawfully possess that firearm under applicable law of this state or the United States, the firearm is unloaded, and the firearm is carried in one of the following ways:~~

- ~~— (1) In a closed package, box or case;~~
- ~~(2) In a compartment which can be reached only by leaving the vehicle;~~
- ~~(3) In plain sight and secured in a rack or holder made for the purpose;~~
- ~~(4) If the firearm is at least twenty-four inches in overall length as measured from the muzzle to the part of the stock furthest from the muzzle and if the barrel is at least eighteen inches in length, either in plain sight with the action open or the weapon stripped, or, if the firearm is of a type on which the action will not stay open or which cannot easily be stripped, in plain sight.~~

~~(b) No person who has been issued a concealed handgun license, or who is an active duty member of the armed forces of the United States and is carrying a valid military identification card and documentation of successful completion of firearms training that meets or exceeds the training requirements described in division (G)(1) of Ohio R.C. 2923.125, who is the driver or an occupant of a motor vehicle that is stopped as a result of a traffic stop or a stop for another law enforcement purpose or is the driver or an occupant of a commercial motor vehicle that is stopped by an employee of the motor carrier enforcement unit for the purposes defined in Ohio R.C. 5503.34, and who is transporting or has a loaded handgun in the motor vehicle or commercial motor vehicle in any manner, shall do any of the following:~~

- ~~(1) Fail to promptly inform any law enforcement officer who approaches the vehicle while stopped that the person has been issued a concealed handgun license or is authorized to carry a concealed handgun as an active duty member of the armed forces of the United States and that the person then possesses or has a loaded handgun in the motor vehicle;~~
- ~~— (2) Fail to promptly inform the employee of the unit who approaches the vehicle while stopped that the person has been issued a concealed handgun license or is authorized to carry a concealed handgun as an active duty member of the armed forces of the United States and that the person then possesses or has a loaded handgun in the commercial motor vehicle.~~
- ~~— (3) Knowingly fail to remain in the motor vehicle while stopped, or knowingly fail to keep the person's hands in plain sight at any time after any law enforcement officer begins approaching the person while stopped and before the law enforcement officer leaves, unless the failure is pursuant to and in accordance with directions given by a law enforcement officer.~~
- ~~— (4) Knowingly disregard or fail to comply with any lawful order of any law enforcement officer given while the motor vehicle is stopped, including, but not limited to, a specific order to the person to keep the person's hands in plain sight.~~

~~(c)(1) This section does not apply to any of the following:~~

- ~~— A. An officer, agent or employee of this or any other state or the United States, or a law enforcement officer, when authorized to carry or have loaded or accessible firearms in motor vehicles and acting within the scope of the officer's, agent's or employee's duties;~~
- ~~— B. Any person who is employed in this State, who is authorized to carry or have loaded or accessible firearms in motor vehicles, and who is subject to and in compliance with the requirements of Ohio R.C. 109.801, unless the appointing authority of the person has expressly specified that the exemption provided in subsection (c)(1)B. does not apply to the person.~~

~~(2) Subsection (a) of this section does not apply to a person who transports or possesses a handgun in a motor vehicle if, at the time of that transportation or possession, both of the following apply:~~

- ~~A. The person transporting or possessing the handgun is either carrying a valid concealed handgun license or is an active duty member of the armed forces of the United States and is carrying a valid military identification card and documentation of successful completion of firearms training that meets or exceeds the training requirements described in division (G)(1) of Ohio R.C. 2923.125. B. The person transporting or possessing the handgun is not knowingly in a place described in division (B) of Ohio R.C. 2923.126.~~

~~(3) Subsection (a) of this section does not apply to a person if all of the following apply:~~

- ~~A. The person possesses a valid electric powered all purpose vehicle permit issued under Ohio R.C. 1533.103 by the Chief of the Division of Wildlife.~~
- ~~B. The person is on or in an electric powered all purpose vehicle as defined in Ohio R.C. 1531.01 or a motor vehicle during the open hunting season for a wild quadruped or game bird.~~
- ~~C. The person is on or in an electric powered all purpose vehicle as defined in Ohio R.C. 1531.01 or a motor vehicle that is parked on a road that is owned or administered by the Division of Wildlife, provided that the road is identified by an electric powered all purpose vehicle sign.~~

~~— (d) (1) The affirmative defenses authorized in Section 549.02(d)(1) and (2) are affirmative defenses to a charge under subsection (a) that involves a firearm other than a handgun.~~

~~(2) It is an affirmative defense to a charge under subsection (a) of improperly handling firearms in a motor vehicle that the actor transported or had the firearm in the motor vehicle for any lawful purpose and while the motor vehicle was on the actor's own property, provided that the affirmative defense is not available unless the person, immediately prior to arriving at the actor's own property, did not transport or possess the firearm in a motor vehicle in a manner prohibited by subsection (a) while the~~

~~motor vehicle was being operated on a street, highway, or other public or private property used by the public for vehicular traffic.~~

~~—(e)(1) No person who is charged with a violation of subsection (a) shall be required to obtain a concealed handgun license as a condition for the dismissal of the charge.~~

~~(2) If a person is convicted of, was convicted of, pleads guilty to, or has pleaded guilty to a violation of subsection (b) of this section as it existed prior to September 30, 2011, and if the conduct that was the basis of the violation no longer would be a violation of subsection (b) of this section on or after September 30, 2011, the person may file an application under Ohio R.C. 2953.37 requesting the expungement of the record of conviction. If a person is convicted of, was convicted of, pleads guilty to, or has pleaded guilty to a violation of subsection (a) of this section as the subsection existed prior to September 30, 2011, and if the conduct that was the basis of the violation no longer would be a violation of subsection (a) of this section on or after September 30, 2011, due to the application of subsection (b)(4) of this section as it exists on and after September 30, 2011, the person may file an application under Ohio R.C. 2953.37 requesting the expungement of the record of conviction.~~

~~—(f) Whoever violates this section is guilty of improperly handling firearms in a motor vehicle. Violation of subsection (a) of this section is a misdemeanor of the fourth degree. Except as otherwise provided in this subsection, a violation of subsection (b)(1) or (b)(2) of this section is a misdemeanor of the first degree, and, in addition to any other penalty or sanction imposed for the violation, the offender's concealed handgun license shall be suspended pursuant to Ohio R.C. 2923.128(A)(2). If at the time of the stop of the offender for a traffic stop, for another law enforcement purpose, or for a purpose defined in Ohio R.C. 5503.34 that was the basis of the violation any law enforcement officer involved with the stop or the employee of the motor carrier enforcement unit who made the stop had actual knowledge of the offender's status as a licensee, a violation of subsection (b)(1) or (b)(2) of this section is a minor misdemeanor, and the offender's concealed handgun license shall not be suspended pursuant to division (A)(2) of Ohio R.C. 2923.128. A violation of subsection (b)(3) or (4) of this section is a misdemeanor of the first degree or, if the offender previously has been convicted of or pleaded guilty to a violation of subsection (b)(3) or (4) of this section, a felony and shall be prosecuted under appropriate State law. In addition to any other penalty or sanction imposed for a misdemeanor violation of subsection (b)(3) or (4) of this section, the offender's concealed handgun license shall be suspended pursuant to Ohio R.C. 2923.128(A)(2).~~

~~—(g) If a law enforcement officer stops a motor vehicle for a traffic stop or any other purpose, if any person in the motor vehicle surrenders a firearm to the officer, either voluntarily or pursuant to a request or demand of the officer, and if the officer does not charge the person with a violation of this section or arrest the person for any offense, the person is not otherwise prohibited by law from possessing the firearm, and the firearm is not contraband, the officer shall return the firearm to the person at the~~

~~termination of the stop. If a court orders a law enforcement officer to return a firearm to a person pursuant to the requirement set forth in this subsection, division (B) of Ohio R.C. 2923.163 applies.~~

~~—(h) As used in this section:~~

~~(1) “Motor vehicle”, “street” and “highway” have the same meanings as in Ohio R.C. 4511.01.~~

~~(2) A. “Unloaded” means:~~

~~1. With respect to a firearm other than a firearm described in subsection (h)(2)B. of this section, that no ammunition is in the firearm in question, no magazine or speed loader containing ammunition is inserted into the firearm in question and one of the following applies:~~

~~a. There is no ammunition in a magazine or speed loader that is in the vehicle in question and that may be used with the firearm in question.~~

~~b. Any magazine or speed loader that contains ammunition and that may be used with the firearm in question is stored in a compartment within the vehicle in question that cannot be accessed without leaving the vehicle or is stored in a container that provides complete and separate enclosure.~~

~~2. For the purposes of subsection (h)(2)A.1.b. of this section, a “container that provides complete and separate enclosure” includes, but is not limited to, any of the following:~~

~~a. A package, box or case with multiple compartments, as long as the loaded magazine or speed loader and the firearm in question either are in separate compartments within the package, box, or case, or, if they are in the same compartment, the magazine or speed loader is contained within a separate enclosure in that compartment that does not contain the firearm and that closes using a snap, button, buckle, zipper, hook and loop closing mechanism, or other fastener that must be opened to access the contents or the firearm is contained within a separate enclosure of that nature in that compartment that does not contain the magazine or speed loader;~~

~~b. A pocket or other enclosure on the person of the person in question that closes using a snap, button, buckle, zipper, hook and loop closing mechanism, or other fastener that must be opened to access the contents.~~

~~3. For the purposes of subsection (h)(2)A. of this section, ammunition held in stripper clips or in en-bloc clips is not considered ammunition that is loaded into a magazine or speed loader.~~

~~B. "Unloaded" means, with respect to a firearm employing a percussion cap, flintlock, or other obsolete ignition system, when the weapon is uncapped or when the priming charge is removed from the pan.~~

~~(3) "Commercial motor vehicle" has the same meaning as in Ohio R.C. 4506.25(A).~~

~~(4) "Motor carrier enforcement unit" means the motor carrier enforcement unit in the Department of Public Safety, Division of State Highway Patrol, that is created by Ohio R.C. 5503.34.~~

~~(i) Subsection (h)(2) of this section does not affect the authority of a person who is carrying a valid concealed handgun license to have one or more magazines or speed loaders containing ammunition anywhere in a vehicle, without being transported as described in that subsection, as long as no ammunition is in a firearm, other than a handgun, in the vehicle other than as permitted under any other provision of this chapter or Ohio R.C. Chapter 2923. A person who is carrying a valid concealed handgun license may have one or more magazines or speed loaders containing ammunition anywhere in a vehicle without further restriction, as long as no ammunition is in a firearm, other than a handgun, in the vehicle other than as permitted under any provision of this chapter or Ohio R.C. Chapter 2923. (ORC 2923.16)~~

549.04 IMPROPERLY HANDLING FIREARMS IN A MOTOR VEHICLE; RETURN OF FIREARM AT TERMINATION OF STOP.

- (a) No person shall knowingly discharge a firearm while in or on a motor vehicle.
- (b) No person shall knowingly transport or have a loaded firearm in a motor vehicle in such a manner that the firearm is accessible to the operator or any passenger without leaving the vehicle.
- (c) No person shall knowingly transport or have a firearm in a motor vehicle, unless the person may lawfully possess that firearm under applicable law of this state or the United States, the firearm is unloaded, and the firearm is carried in one of the following ways:
 - (1) In a closed package, box or case;
 - (2) In a compartment which can be reached only by leaving the vehicle;
 - (3) In plain sight and secured in a rack or holder made for the purpose;
 - (4) If the firearm is at least twenty-four inches in overall length as measured from the muzzle to the part of the stock furthest from the muzzle and if the barrel is at least eighteen inches in length, either in plain sight with the action open or the weapon stripped, or, if the firearm is of a type on which the action will not stay open or which cannot easily be stripped, in plain sight.
- (d) No person shall knowingly transport or have a loaded handgun in a motor vehicle if, at the time of that transportation or possession, any of the following applies:
 - (1) The person is under the influence of alcohol, a drug of abuse, or a combination of them.
 - (2) The person's whole blood, blood serum or plasma, breath, or urine contains a concentration of alcohol, a listed controlled substance, or a listed metabolite of a controlled substance prohibited for persons operating a vehicle, as specified in Ohio

R.C. 4511.19(A), regardless of whether the person at the time of the transportation or possession as described in this division is the operator of or a passenger in the motor vehicle

(e) No person who has been issued a concealed handgun license, or who is an active duty member of the armed forces of the United States and is carrying a valid military identification card and documentation of successful completion of firearms training that meets or exceeds the training requirements described in Ohio R.C. 2923.125(G)(1), who is the driver or an occupant of a motor vehicle that is stopped as a result of a traffic stop or a stop for another law enforcement purpose or is the driver or an occupant of a commercial motor vehicle that is stopped by an employee of the motor carrier enforcement unit for the purposes defined in Ohio R.C. 5503.34, and who is transporting or has a loaded handgun in the motor vehicle or commercial motor vehicle in any manner, shall do any of the following:

- (1) Fail to promptly inform any law enforcement officer who approaches the vehicle while stopped that the person has been issued a concealed handgun license or is authorized to carry a concealed handgun as an active duty member of the armed forces of the United States and that the person then possesses or has a loaded handgun in the motor vehicle;
- (2) Fail to promptly inform the employee of the unit who approaches the vehicle while stopped that the person has been issued a concealed handgun license or is authorized to carry a concealed handgun as an active duty member of the armed forces of the United States and that the person then possesses or has a loaded handgun in the commercial motor vehicle;
- (3) Knowingly fail to remain in the motor vehicle while stopped, or knowingly fail to keep the person's hands in plain sight at any time after any law enforcement officer begins approaching the person while stopped and before the law enforcement officer leaves, unless the failure is pursuant to and in accordance with directions given by a law enforcement officer;
- (4) Knowingly have contact with the loaded handgun by touching it with the person's hands or fingers in the motor vehicle at any time after the law enforcement officer begins approaching and before the law enforcement officer leaves, unless the person has contact with the loaded handgun pursuant to and in accordance with directions given by the law enforcement officer;
- (5) Knowingly disregard or fail to comply with any lawful order of any law enforcement officer given while the motor vehicle is stopped, including, but not limited to, a specific order to the person to keep the person's hands in plain sight.

(f)

(1) Divisions (a), (b), (c) and (e) of this section do not apply to any of the following:

- A. An officer, agent or employee of this or any other state or the United States, or a law enforcement officer, when authorized to carry or have loaded or accessible firearms in motor vehicles and acting within the scope of the officer's, agent's or employee's duties;
- B. Any person who is employed in this State, who is authorized to carry or have loaded or accessible firearms in motor vehicles, and who is subject to and in compliance with the requirements of Ohio R.C. 109.801, unless the appointing authority of the person has expressly specified that the exemption provided in

division (f)(1)(B) of this section does not apply to the person.

(2) Division (a) of this section does not apply to a person if all of the following circumstances apply:

- A. The person discharges a firearm from a motor vehicle at a coyote or groundhog, the discharge is not during the deer gun hunting season as set by the chief of the Division of Wildlife of the Department of Natural Resources, and the discharge at the coyote or groundhog, but for the operation of this section, is lawful.
- B. The motor vehicle from which the person discharges the firearm is on real property that is located in an unincorporated area of a township and that either is zoned for agriculture or is used for agriculture.
- C. The person owns the real property described in division (f)(2)(b) of this section, is the spouse or a child of another person who owns that real property, is a tenant of another person who owns that real property, or is the spouse or a child of a tenant of another person who owns that real property.
- D. The person does not discharge the firearm in any of the following manners:
 - 1. While under the influence of alcohol, a drug of abuse, or alcohol and a drug of abuse;
 - 2. In the direction of a street, highway, or other public or private property used by the public for vehicular traffic or parking;
 - 3. At or into an occupied structure that is a permanent or temporary habitation;
 - 4. In the commission of any violation of law, including, but not limited to, a felony that includes, as an essential element, purposely or knowingly causing or attempting to cause the death of or physical harm to another and that was committed by discharging a firearm from a motor vehicle.

(3) Division (a) of this section does not apply to a person if all of the following apply:

- A. The person possesses a valid all-purpose vehicle permit issued under Ohio R.C. 1533.103 by the chief of the Division of Wildlife.
- B. The person discharges a firearm at a wild quadruped or game bird as defined in Ohio R.C. 1531.01 during the open hunting season for the applicable wild quadruped or game bird.
- C. The person discharges a firearm from a stationary all-purpose vehicle as defined in Ohio R.C. 1531.01 from private or publicly owned lands or from a motor vehicle that is parked on a road that is owned or administered by the Division of Wildlife.
- D. The person does not discharge the firearm in any of the following manners:
 - 1. While under the influence of alcohol, a drug of abuse, or alcohol and a drug of abuse.
 - 2. In the direction of a street, a highway, or other public or private property that is used by the public for vehicular traffic or parking;
 - 3. At or into an occupied structure that is a permanent or temporary habitation;
 - 4. In the commission of any violation of law, including, but not limited to, a felony that includes, as an essential element, purposely or knowingly causing or attempting to cause the death of or physical harm to another and that was committed by discharging a firearm from a motor vehicle.

(4) Divisions (b) and (c) of this Section do not apply to a person if all of the following circumstances apply:

- A. At the time of the alleged violation of either of those divisions, the person is the

- operator of or a passenger in a motor vehicle.
- B. The motor vehicle is on real property that is located in an unincorporated area of a township and that either is zoned for agriculture or is used for agriculture.
 - C. The person owns the real property described in division (d)(4)(B) of this section, is the spouse or a child of another person who owns that real property, is a tenant of another person who owns that real property, or is the spouse or a child of a tenant of another person who owns that real property.
 - D. The person, prior to arriving at the real property described in division (d)(4)(B) of this section, did not transport or possess a firearm in the motor vehicle in a manner prohibited by division (b) or (c) of this section while the motor vehicle was being operated on a street, highway, or other public or private property used by the public for vehicular traffic or parking.
- (5) Divisions (b) and (c) of this section do not apply to a person who transports or possesses a handgun in a motor vehicle if, at the time of that transportation or possession, both of the following apply:
- A. The person transporting or possessing the handgun is either carrying a valid concealed handgun license or is an active duty member of the armed forces of the United States and is carrying a valid military identification card and documentation of successful completion of firearms training that meets or exceeds the training requirements described in Ohio R.C. 2923.125(G)(1).
 - B. The person transporting or possessing the handgun is not knowingly in a place described in Ohio R.C. 2923.126(B).
- (6) Divisions (b) and (c) of this section do not apply to a person if all of the following apply:
- A. The person possesses a valid all-purpose vehicle permit issued under Ohio R.C. 1533.103 by the Chief of the Division of Wildlife.
 - B. The person is on or in an all-purpose vehicle as defined in Ohio R.C. 1531.01 or a motor vehicle during the open hunting season for a wild quadruped or game bird.
- (g) The person is on or in an all-purpose vehicle as defined in Ohio R.C. 1531.01 on private or publicly owned lands or on or in a motor vehicle that is parked on a road that is owned or administered by the Division of Wildlife.
- (1) The affirmative defenses authorized in Section 549.02(d)(1) and (2) are affirmative defenses to a charge under subsection (b) or (c) that involves a firearm other than a handgun.
 - (2) It is an affirmative defense to a charge under subsection (b) or (c) of improperly handling firearms in a motor vehicle that the actor transported or had the firearm in the motor vehicle for any lawful purpose and while the motor vehicle was on the actor's own property, provided that the affirmative defense is not available unless the person, immediately prior to arriving at the actor's own property, did not transport or possess the firearm in a motor vehicle in a manner prohibited by subsection (b) or (c) while the motor vehicle was being operated on a street, highway, or other public or private property used by the public for vehicular traffic.
- (h) -
- (1) No person who is charged with a violation of subsection (b), (c), or (d) shall be required to obtain a concealed handgun license as a condition for the dismissal of the charge.

- (2) If a person is convicted of, was convicted of, pleads guilty to, or has pleaded guilty to a violation of subsection (e) of this section as it existed prior to September 30, 2011, and if the conduct that was the basis of the violation no longer would be a violation of subsection (e) of this section on or after September 30, 2011, the person may file an application under Ohio R.C. 2953.37 requesting the expungement of the record of conviction.

If a person is convicted of, was convicted of, pleads guilty to, or has pleaded guilty to a violation of subsection (b) or (c) of this section as the subsection existed prior to September 30, 2011, and if the conduct that was the basis of the violation no longer would be a violation of subsection (b) or (c) of this section on or after September 30, 2011, due to the application of subsection (f)(5) of this section as it exists on and after September 30, 2011, the person may file an application under Ohio R.C. 2953.37 requesting the expungement of the record of conviction.

- (i) Whoever violates this section is guilty of improperly handling firearms in a motor vehicle. Violation of subsection (a) of this section is a misdemeanor of the fourth degree. Except as otherwise provided in this subsection, a violation of subsection (b)(1) or (b)(2) of this section is a misdemeanor of the first degree, and, in addition to any other penalty or sanction imposed for the violation, the offender's concealed handgun license shall be suspended pursuant to Ohio R.C. 2923.128(A)(2). If at the time of the stop of the offender for a traffic stop, for another law enforcement purpose, or for a purpose defined in Ohio R.C. 5503.34 that was the basis of the violation any law enforcement officer involved with the stop or the employee of the motor carrier enforcement unit who made the stop had actual knowledge of the offender's status as a licensee, a violation of subsection (b)(1) or (b)(2) of this section is a minor misdemeanor, and the offender's concealed handgun license shall not be suspended pursuant to division (A)(2) of Ohio R.C. 2923.128. A violation of subsection (b)(3) or (4) of this section is a misdemeanor of the first degree or, if the offender previously has been convicted of or pleaded guilty to a violation of subsection (b)(3) or (4) of this section, a felony and shall be prosecuted under appropriate State law. In addition to any other penalty or sanction imposed for a misdemeanor violation of subsection (b)(3) or (4) of this section, the offender's concealed handgun license shall be suspended pursuant to Ohio R.C. 2923.128(A)(2).
- (j) If a law enforcement officer stops a motor vehicle for a traffic stop or any other purpose, if any person in the motor vehicle surrenders a firearm to the officer, either voluntarily or pursuant to a request or demand of the officer, and if the officer does not charge the person with a violation of this section or arrest the person for any offense, the person is not otherwise prohibited by law from possessing the firearm, and the firearm is not contraband, the officer shall return the firearm to the person at the termination of the stop. If a court orders a law enforcement officer to return a firearm to a person pursuant to the requirement set forth in this subsection, Ohio R.C. 2923.163(B) applies.
- (k) As used in this section:
- (1) "Motor vehicle", "street" and "highway" have the same meanings as in Ohio R.C. 4511.01.
 - (2) "Occupied structure" has the same meaning as in Ohio R.C. 2909.01.
 - (3) "Agriculture" has the same meaning as in Ohio R.C. 519.01.
 - (4) "Tenant"

(5)

- A. "Unloaded" means, with respect to a firearm other than a firearm described in division (k)(6) of this section, that no ammunition is in the firearm in question, no magazine or speed loader containing ammunition is inserted into the firearm in question, and one of the following applies:
 - 1. There is no ammunition in a magazine or speed loader that is in the vehicle in question and that may be used with the firearm in question.
 - 2. Any magazine or speed loader that contains ammunition and that may be used with the firearm in question is stored in a compartment within the vehicle in question that cannot be accessed without leaving the vehicle or is stored in a container that provides complete and separate enclosure.
 - B. For the purposes of subsection (k)(5)A.2. of this section, a "container that provides complete and separate enclosure" includes, but is not limited to, any of the following:
 - 1. A package, box or case with multiple compartments, as long as the loaded magazine or speed loader and the firearm in question either are in separate compartments within the package, box, or case, or, if they are in the same compartment, the magazine or speed loader is contained within a separate enclosure in that compartment that does not contain the firearm and that closes using a snap, button, buckle, zipper, hook and loop closing mechanism, or other fastener that must be opened to access the contents or the firearm is contained within a separate enclosure of that nature in that compartment that does not contain the magazine or speed loader;
 - 2. A pocket or other enclosure on the person of the person in question that closes using a snap, button, buckle, zipper, hook and loop closing mechanism, or other fastener that must be opened to access the contents.
 - C. For the purposes of subsection (k)(5)A.2. of this section, ammunition held in stripper-clips or in en-bloc clips is not considered ammunition that is loaded into a magazine or speed loader.
- (6) "Commercial motor vehicle" has the same meaning as in Ohio R.C. 4506.25(A).
 - (7) "Motor carrier enforcement unit" means the motor carrier enforcement unit in the Department of Public Safety, Division of State Highway Patrol that is created by Ohio R.C. 5503.34.
- (1) Subsection (k)(5)A.2. of this section does not affect the authority of a person who is carrying a valid concealed handgun license to have one or more magazines or speed loaders containing ammunition anywhere in a vehicle, without being transported as described in those subsections, as long as no ammunition is in a firearm, other than a handgun, in the vehicle other than as permitted under any other provision of this chapter. A person who is carrying a valid concealed handgun license may have one or more magazines or speed loaders containing ammunition anywhere in a vehicle without further restriction, as long as no ammunition is in a firearm, other than a handgun, in the vehicle other than as permitted under any provision of this chapter.
(ORC 2923.16)

REPEALED AND REPLACED

549.06 UNLAWFUL TRANSACTIONS IN WEAPONS.

(a) No person shall:

- ~~— (1) Manufacture, possess for sale, sell or furnish to any person other than a law enforcement agency for authorized use in police work, any brass knuckles, cestus, billy, blackjack, sandbag, switchblade knife, springblade knife, gravity knife or similar weapon; —~~
- ~~— (2) When transferring any dangerous ordnance to another, negligently fail to require the transferee to exhibit such identification, license or permit showing him to be authorized to acquire dangerous ordnance pursuant to Ohio R.C. 2923.17, or negligently fail to take a complete record of the transaction and forthwith forward a copy of such record to the sheriff of the county or safety director or police chief of the municipality where the transaction takes place;~~
- ~~— (3) Knowingly fail to report to law enforcement authorities forthwith the loss or theft of any firearm or dangerous ordnance in the person's possession or under the person's control.~~

~~(b) Whoever violates this section is guilty of unlawful transactions in weapons. Violation of subsections (a)(1) or (2) hereof is a misdemeanor of the second degree. Violation of subsection (a)(3) hereof is a misdemeanor of the fourth degree. (ORC 2923.20)~~

(a) No person shall do any of the following:

- (1) Recklessly sell, lend, give, or furnish any firearm to any person prohibited by Ohio R.C. 2923.13 or 2923.15 from acquiring or using any firearm, or recklessly sell, lend, give, or furnish any dangerous ordnance to any person prohibited by Ohio R.C. 2923.13, 2923.15 or Section 549.06 of this Code, or Ohio R.C. 2923.17 from acquiring or using any dangerous ordnance;
- (2) Possess any firearm or dangerous ordnance with purpose to dispose of it in violation of division (a) of this section;
- (3) Except as otherwise provided in (b) of this section, knowingly solicit, persuade, encourage, or entice a federally licensed firearms dealer or private seller to transfer a firearm or ammunition to any person in a manner prohibited by state or federal law;
- (4) Except as otherwise provided in division (b) of this section, with an intent to deceive, knowingly provide materially false information to a federally licensed firearms dealer or private seller;
- (5) Except as otherwise provided in division (b) of this section, knowingly procure, solicit, persuade, encourage, or entice a person to act in violation of division (a)(3) or (4) of this section;
- (6) Manufacture, possess for sale, sell or furnish to any person other than a law enforcement agency for authorized use in police work, any brass knuckles, cestus, billy, blackjack, sandbag, switchblade knife, springblade knife, gravity knife or similar weapon;

- (7) When transferring any dangerous ordnance to another, negligently fail to require the transferee to exhibit such identification, license or permit showing him to be authorized to acquire dangerous ordnance pursuant to Ohio R.C. 2923.17, or negligently fail to take a complete record of the transaction and forthwith forward a copy of such record to the sheriff of the county or safety director or police chief of the municipality where the transaction takes place;
 - (8) Knowingly fail to report to law enforcement authorities forthwith the loss or theft of any firearm or dangerous ordnance in the person's possession or under the person's control.
 - (b) Divisions (a)(3), (4), and (5) of this section do not apply to any of the following:
 - (1) A law enforcement officer who is acting within the scope of the officer's duties;
 - (2) A person who is acting in accordance with directions given by a law enforcement officer described in division (b)(1) of this section.
 - (c) Whoever violates this section is guilty of unlawful transactions in weapons. A violation of division (a)(3), (4), or (5) of this section is a felony of the third degree. A violation of division (a)(6) or (7) of this section is a misdemeanor of the second degree. A violation of division (a)(8) of this section is a misdemeanor of the fourth degree.
 - (d) As used in this section:
 - (1) "Ammunition" has the same meaning as in Ohio R.C. 2305.401.
 - (2) "Federally licensed firearms dealer" has the same meaning as in Ohio R.C. 5502.63.
 - (3) "Materially false information" means information regarding the transfer of a firearm or ammunition that portrays an illegal transaction as legal or a legal transaction as illegal.
 - (4) "Private seller" means a person who sells, offers for sale, or transfers a firearm or ammunition and who is not a federally licensed firearms dealer.
- (ORC 2923.20)

REPEALED

549.08 DISCHARGING FIREARMS.

Repealed.

~~(a) No person shall discharge any air gun, rifle, shotgun, revolver, pistol or other firearm within the corporate limits of the Municipality.~~

~~(b) This section does not apply when firearms are used in self defense, in the discharge of official duty or when otherwise lawfully authorized.~~

~~(c) Whoever violates this section is guilty of a misdemeanor of the fourth degree.~~

REPEALED

549.09 THROWING OR SHOOTING MISSILES.

Repealed.

- ~~(a) No person shall throw, shoot or propel an arrow, missile, pellet, stone, metal or other similar substance capable of causing physical harm to persons or property, in or on any public place, in or on the property of another, or from any private property into or onto any public place or the property of another. This section does not apply to supervised archery ranges or instruction nor when otherwise lawfully authorized.~~
- ~~(b) Whoever violates this section is guilty of a misdemeanor of the fourth degree.~~

REPEALED AND REPLACED

549.10 POSSESSING REPLICAFIREARM IN SCHOOL.

~~—(a) No person shall knowingly possess an object in a school safety zone if both of the following apply:~~

~~—(1) The object is indistinguishable from a firearm, whether or not the object is capable of being fired.~~

~~—(2) The person indicates that the person possesses the object and that it is a firearm, or the person knowingly displays or brandishes the object and indicates that it is a firearm.~~

~~—(b) Subsection (a) hereof does not apply to premises upon which home schooling is conducted. Subsection (a) hereof also does not apply to a school administrator, teacher, or employee who possesses an object that is indistinguishable from a firearm for legitimate school purposes during the course of employment, a student who uses an object that is indistinguishable from a firearm under the direction of a school administrator, teacher, or employee, or any other person who with the express prior approval of a school administrator possesses an object that is indistinguishable from a firearm for a legitimate purpose, including the use of the object in a ceremonial activity, a play, reenactment, or other dramatic presentation, or a ROTC activity or another similar use of the object.~~

~~—(c) Whoever violates subsection (a) hereof is guilty of illegal possession of an object indistinguishable from a firearm in a school safety zone. Except as otherwise provided in this subsection, illegal possession of an object indistinguishable from a firearm in a school safety zone is a misdemeanor of the first degree. If the offender previously has been convicted of a violation of Ohio R.C. 2923.122, illegal possession of an object indistinguishable from a firearm in a school safety zone is a felony and shall be prosecuted under appropriate State law.~~

~~—(d) (1) In addition to any other penalty imposed upon a person who is convicted of or pleads guilty to a violation of this section and subject to subsection (d)(2) of this section, if the offender has not attained nineteen years of age, regardless of whether the offender is attending or is enrolled in a school operated by a board of education or for which the State Board of Education prescribes minimum standards under Ohio R.C. 3301.07, the court shall impose upon the offender a class four suspension of the offender's probationary driver's license, restricted license, driver's license, commercial driver's license, temporary instruction permit, or probationary commercial driver's license that then is in effect from the range specified in division (A)(4) of Ohio R.C. 4510.02 and shall deny the offender the issuance of any permit or license of that type during the period of the suspension. If the offender is not a resident of this State, the court shall impose a class four suspension of the nonresident operating privilege of the offender from the range specified in division (A)(4) of Ohio R.C. 4510.02.~~

~~—(2) If the offender shows good cause why the court should not suspend one of the types of licenses, permits, or privileges specified in subsection (d)(1) of this section or deny the issuance of one of the temporary instruction permits specified in that subsection, the court in its discretion may choose not to impose the suspension, revocation, or denial required in that subsection, but the court, in its discretion, instead may require the offender to perform community service for a number of hours determined by the court.~~

~~—(e) As used in this section, “object that is indistinguishable from a firearm” means an object made, constructed, or altered so that, to a reasonable person without specialized training in firearms, the object appears to be a firearm. (ORC 2923.122)~~

549.10 CONVEYANCE OR POSSESSION OF DEADLY WEAPON OR DANGEROUS ORDNANCE IN SCHOOL SAFETY ZONE

- (a) Conveyance: No person shall knowingly convey, or attempt to convey, a deadly weapon or dangerous ordnance in a school safety zone.
- (b) Possession: No person shall knowingly possess a deadly weapon or dangerous ordnance in a school safety zone.
- (c) Threatening with an Object that is Indistinguishable from a Firearm: No person shall knowingly possess an object in a school safety zone if both of the following apply:
 - (1) The object is indistinguishable from a firearm, whether or not the object is capable of being fired;
 - (2) The person indicates that the person possesses the object and that it is a firearm, or the person knowingly displays or brandishes the object and indicates that it is a firearm.
- (d) Exemptions:
 - (1) Entire section does not apply to law enforcement acting within the scope of his or her duties; school security officer while on duty; any other person who has written authorization from Board of Education.
 - (2) Division (c) of this section does not apply to premises upon which home schooling is conducted; or to school teacher/employee who is using object for legitimate school purposes during course of employment; or a student who is using object under direction of school teacher/employee, with prior approval, for activities such as ceremonial activities, plays, reenactments or ROTC activities.
 - (3) Entire section does not apply to a person who conveys or attempts to convey a handgun into, or possesses a handgun in, a school safety zone, if at the time of the conveyance, attempted conveyance or possession ALL of the following apply:
 - A. The person does not enter into a school building or onto school premises and is not at a school activity (AND)
 - B. The person is carrying a valid concealed handgun licenses (AND)
 - C. The person is in the school safety zone in accordance with 18 USC §922(a)(2)(B) (AND)

18 USC §922(q)(2)

- (A) It shall be unlawful for any individual knowingly to possess a firearm that has moved in or that otherwise affects interstate or foreign commerce at a place that the individual knows, or has reasonable cause to believe, is a school zone [18 USC §921(a)(25) *School Zone* means (a) in or on school grounds; (b) within a distance of 1,000 feet from school grounds].
- (B) Subparagraph (A) does not apply to the possession of a firearm:
 - (i) on private property not part of school grounds (OR)
 - (ii) if the individual possessing the firearm is licensed to do so by the State Of Ohio (OR)

- (iii) that is –
 - (I) not loaded; and
 - (II) in a locked container, or locked firearms rack that is on a motor vehicle (OR)
 - (iv) by an individual for use in program approved by a school in the school zone (OR)
 - (v) by an individual in accordance with a contract entered into between a school in the school zone and the individual or an employer of the individual (OR)
 - (vi) by a law enforcement officer acting in his or her official capacity (OR)
 - (vii) that is unloaded and is possessed by an individual while traversing school premises for the purpose of gaining access to public or private lands open to hunting, if the entry on school premises is authorized by school authorities.
- D. The person is not knowingly in a place described in ORC §2923.126(B)(1) or (B)(3) to (B)(10). [ORC 2923.126 (B)(10) A place in which federal law prohibits the carrying of handguns].

ORC §2901.01(C):

- (1) “School Safety Zone” consists of a school, school building, school premises, school activity and school bus.
- (2) “School,” “School Building” and “School Premises” have the same meaning as in ORC §2925.01.

ORC §2529.01(R): “School Premises” means either of the following:

- (1) The parcel of real property on which any school is situated, whether or not any instruction, extracurricular activity or training is being conducted on the premises at the time of the offense; or
- (2) Any other parcel of real property that is owned or leased by a Board of Education on which some instruction, extracurricular activities or training is conducted, whether or not any instruction, extracurricular activities or training is being conducted on the parcel at the time of the offense.

- (e) Whoever violates this section is guilty of illegal possession of an object indistinguishable from a firearm in a school safety zone. Possession of an object indistinguishable from a firearm in a school safety zone is a misdemeanor of the first degree. If the offender previously has been convicted of or pleaded guilty to a violation of Ohio R.C. 2923.122, illegal possession of an object indistinguishable from a firearm in a school safety zone is a felony and shall be prosecuted under appropriate State law.
(ORC 2923.201)

NEWLY ENACTED

549.12 NOTICE TO LAW ENFORCEMENT; PROHIBITED PLACES; PRIVATE EMPLOYERS AND SIGNAGE; RECIPROCITY

(a) Notice to Law Enforcement upon Stop:

- (1) Except as provided in subdivisions (b)(2) and (b)(3) of this section, a licensee who has been issued a license under Ohio R.C. 2923.125 or 2923.1213 may carry a concealed handgun anywhere in this Village if the licensee also carries a valid license when the licensee is in the actual possession of a concealed handgun. The licensee shall give notice of any change in the licensee's residence address to the sheriff who issued the license within 45 days after the change.**
- (2) If a licensee is the driver or an occupant of a motor vehicle that is stopped as the result of a traffic stop or a stop for another law enforcement purpose and if the licensee is transporting or has a loaded handgun in the motor vehicle at that time, the licensee shall promptly inform any law enforcement officer who approaches the vehicle while stopped that the licensee has been issued a license or temporary emergency license to carry a concealed handgun and that the licensee currently possesses or has a loaded handgun; the licensee shall not knowingly disregard or fail to comply with lawful orders of a law enforcement officer given while the motor vehicle is stopped, knowingly fail to remain in the motor vehicle while stopped, or knowingly fail to keep the licensee's hands in plain sight after any law enforcement officer begins approaching the licensee while stopped and before the officer leaves, unless directed otherwise by a law enforcement officer; and the licensee shall not knowingly remove, attempt to remove, grasp, or hold the loaded handgun or knowingly have contact with the loaded handgun by touching it with the licensee's hands or fingers, in any manner in violation of federal, state or local law, after any law enforcement officer begins approaching the licensee while stopped and before the officer leaves.**
- (3) If a licensee is stopped for a law enforcement purpose and if the licensee is carrying a concealed handgun at the time the officer approaches, the licensee shall promptly inform any law enforcement officer who approaches the licensee while stopped that the licensee has been issued a license or temporary emergency license to carry a concealed handgun and that the licensee currently is carrying a concealed handgun; the licensee shall not knowingly disregard or fail to comply with the lawful orders of a law enforcement officer given while the motor vehicle is stopped, knowingly fail to remain in the motor vehicle while stopped, or knowingly fail to keep the licensee's hands in plain sight after any law enforcement officer begins approaching the licensee while stopped and before the officer leaves, unless directed otherwise by a law enforcement officer; and the licensee shall not knowingly remove, attempt to remove, grasp, or hold the loaded handgun or knowingly have contact with the loaded handgun by touching it with the licensee's hands or fingers, in any manner in violation of federal, state or local law, after any law enforcement officer begins approaching the licensee while stopped and before the officer leaves.**

- (b) Prohibited Places: A valid license issued under Ohio R.C. 2923.125 or 2923.1213 does not authorize the licensee to carry a concealed handgun in any manner prohibited under federal, state or local law. A valid license does not authorize the licensee to carry a**

concealed handgun into any of the following places:

- (1) A police station, sheriff's office, or State Highway Patrol station, premises controlled by the Bureau of Criminal Identification and Investigation, a State correctional institution, jail, workhouse, or other detention facility, an airport passenger terminal, or an institution that is maintained, operated, managed, and governed pursuant to Ohio R.C. 5119.02(A) or Ohio R.C. 5123.03(A)(1);
 - (2) A school safety zone, if the licensee's carrying the concealed handgun is in violation of Ohio R.C. 2923.122;
 - (3) A courthouse or another building or structure in which a courtroom is located; if the licensee's carrying the concealed handgun is in violation of Ohio R.C. 2923.123;
 - (4) Any premises or open air arena for which a D permit has been issued under Ohio R.C. Chapter 4303, if the licensee's carrying the concealed handgun is in violation of Ohio R.C. 2923.121;
 - (5) Any premises owned or leased by any public or private college, university, or other institution of higher education, unless the handgun is in a locked motor vehicle or the licensee is in the immediate process of placing the handgun in a locked motor vehicle;
 - (6) Any church, synagogue, mosque, or other place of worship, unless the church, synagogue, mosque, or other place of worship posts or permits otherwise;
 - (7) A child day-care center, a type A family day-care home, a type B family day-care home or a type C family day-care home, except that this division does not prohibit a licensee who resides in a type A family day-care home, a type B family day-care home, or a type C family day-care home from carrying a concealed handgun at any time in any part of the home that is not dedicated or used for day-care purposes, or from carrying a concealed handgun in a part of the home that is dedicated or used for day-care purposes at any time during which no children, other than children of that licensee, are in the home;
 - (8) An aircraft that is in, or intended for operation in, foreign air transportation, interstate air transportation, intrastate air transportation, or the transportation of mail by aircraft;
 - (9) Any building that is a government facility of this State or any political subdivision of this State and that is not a building that is used primarily as a shelter, restroom, parking facility for motor vehicles, or rest facility and is not a courthouse or other building or structure in which a courtroom is located that is subject to subdivision (b)(3) of this section;
 - (10) A place in which federal law prohibits the carrying of handguns.
- (c) Private Employers and Signage:
- (1) Nothing in this section shall negate or restrict a rule, policy, or practice of a private employer that is not a private college, university, or other institution of higher education concerning or prohibiting the presence of firearms on the private employer's premises or property, including motor vehicles owned by the private employer. Nothing in this section shall require a private employer of that nature to adopt a rule, policy, or practice concerning or prohibiting the presence of firearms on the private employer's premises or property, including motor vehicles owned by the private employer.
 - (2)

- A. A private employer shall be 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 a licensee bringing a handgun onto the premises or property of the private employer, including motor vehicles owned by the private employer, unless the private employer acted with malicious purpose. A private employer 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 the private employer's decision to permit a licensee to bring, or prohibit a licensee from bringing, a handgun onto the premises or property of the private employer. As used in this division, "private employer" includes a private college, university, or other institution of higher education.
- B. A political subdivision shall be immune from liability in a civil action, to the extent and in the manner provided in Ohio R.C. Chapter 2744, for any injury, death, or loss to person or property that allegedly was caused by or related to a licensee bringing a handgun onto any premises or property owned, leased, or otherwise under the control of the political subdivision. As used in this division, "political subdivision" has the same meaning as in Ohio R.C. 2744.01.

(3)

- A. Except as otherwise provided in subdivision (c)(3)B. and subdivision (d) below, the owner or person in control of private land or premises, and a private person or entity leasing land or premises owned by the State, the United States, or a political subdivision of the State or the United States, may post a sign in a conspicuous location on that land or on those premises prohibiting persons from carrying firearms or concealed firearms on or onto that land or those premises. Except as otherwise provided in this division, a person who knowingly violates a posted prohibition of that nature is guilty of criminal trespass in violation of state or local law. If a person knowingly violates a posted prohibition of that nature and the posted land or premises primarily was a parking lot or other parking facility, the person is not guilty of criminal trespass in violation of state or local law, and instead is subject only to a civil cause of action for trespass based on the violation.
- B. A landlord may not prohibit or restrict a tenant who is a licensee and who on or after September 9, 2008, enters into a rental agreement with the landlord for the use of residential premises, and the tenant's guest while the tenant is present, from lawfully carrying or possessing a handgun on those residential premises.
- C. As used in this division (c)(3)C.:
 - 1. "Residential Premises" has the same meaning as in Ohio R.C. 5321.01, except "residential premises" does not include a dwelling unit that is owned or operated by a college or university;
 - 2. "Landlord," "tenant," and "rental agreement" have the same meaning as in Ohio R.C. 5321.01;

(d) Reciprocity:

- (1) A person who holds a license to carry a concealed handgun that was issued pursuant to the law of another state that is recognized by the Ohio Attorney General pursuant to a reciprocity agreement entered into pursuant to Ohio R.C. 109.69 has the same right to carry a concealed handgun in this municipality as a person

who was issued a license to carry a concealed handgun under Ohio R.C. Section 2923.125 and is subject to the same restrictions that apply to a person who carries a license issued under that section.

(2) A peace officer has the same right to carry a concealed handgun in this municipality as a person who was issued a license to carry a concealed handgun under Ohio R.C. Section 2923.125, provided that the officer when carrying a concealed handgun under authority of this division is carrying validating identification. For purposes of reciprocity with other states, a peace officer shall be considered to be a licensee in this State.

(3) A qualified retired peace officer who possesses a retired peace officer identification card issued pursuant to Ohio R.C. 2923.126(F)(2) and a valid firearms requalification certification issued pursuant to Ohio R.C. 2923.126(F)(3) has the same right to carry a concealed handgun in this municipality as a person who has issued a license to carry a concealed handgun under Ohio R.C. 2923.125 and is subject to the same restrictions that apply to a person who carries a license issued under that section. For purposes of reciprocity with other states, a qualified retired peace officer who possesses a retired peace officer identification card issued pursuant to Ohio R.C. 2923.126(F)(2) and a valid firearms requalification certification issued pursuant to Ohio R.C. 2923.126(F)(3) shall be considered to be a licensee in this State.

(e) As used in this section:

(1) “Qualified retired peace officer” means a person who satisfies all of the following:

- A. The person satisfies the criteria set forth in Ohio R.C. 2923.126(F)(2)(a)(i) to (v).
- B. The person is not under the influence of alcohol or another intoxicating or hallucinatory drug or substance.
- C. The person is not prohibited by federal law from receiving firearms.

(2) “Retired peace officer identification card” means an identification card that is issued pursuant to Ohio R.C. 2923.126(F)(2) to a person who is a retired peace officer.

(3) “Government facility of this State or a political subdivision of this State” means any of the following:

- A. A building or part of a building that is owned or leased by the government of this State or a political subdivision of this State and where employees of the government of this State or the political subdivision regularly are present for the purpose of performing their official duties as employees of the State or political subdivision;
- B. The office of a deputy registrar serving pursuant to Ohio R.C. Chapter 4503 that is used to perform deputy registrar functions.

(4) “Validating identification” means photographic identification issued by the agency for which an individual serves as a peace officer that identifies the individual as a peace officer of the agency.

(ORC 2923.126)