



**JIM PETRO**  
**ATTORNEY GENERAL**  

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**STATE OF OHIO**

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Dear Fellow Ohioan:

On December 12, 2006, the Ohio General Assembly passed revisions to Ohio's Concealed Handgun License statute. My office is currently updating the booklet, *Ohio's Concealed Carry Law* to reflect the new statute, and will be publishing that booklet shortly.

Although the Attorney General cannot issue opinions to individual citizens either within or from outside of Ohio, on hypothetical questions, issues committed to another department or branch of government, questions about the constitutionality of a statute, or issues currently in litigation, my office has prepared this brief summary of the changes included in Substitute House Bill 347.

**It is important for all concealed handgun licensees to understand that none of the changes addressed in this document go into effect until March 14, 2007. Until the effective date of the new law, licensees must continue to abide by current Ohio law.**

This guidance is neither a formal nor informal opinion of my office. This information does not constitute legal advice. As legal advice must be tailored to the specific circumstances of each case, nothing provided herein should be used as a substitute for the advice of competent counsel.

For a copy of Substitute House Bill 347, visit the Concealed Carry page on my website, [www.ag.state.oh.us](http://www.ag.state.oh.us), and follow the link to the legislation.

I encourage you to continue to visit my website to keep informed of any further updates to the law.

Very Truly Yours,

A handwritten signature in black ink, appearing to read "Jim Petro".

Jim Petro  
Attorney General

## Changes Included in Substitute House Bill 347

### Changes in Carrying a Handgun in a Motor Vehicle

*See Ohio Revised Code Sections 2923.126(A), 2923.16*

- If a licensee is the driver or an occupant of a commercial motor vehicle that is stopped by an employee of the motor carrier enforcement unit, and if the licensee is transporting or has a loaded handgun in the commercial motor vehicle, the licensee shall promptly inform the employee that the licensee has been issued a license to carry a concealed handgun and that the licensee currently has a loaded handgun.
- No person with a license to carry a concealed handgun shall carry a loaded handgun in a motor vehicle **unless**
  - The loaded handgun is in a holster attached to the person, or
  - The loaded handgun is in a closed case, bag, box, or other container that is in plain sight **and** that has a lid, a cover, or a closing mechanism with a zipper, snap, or buckle, which lid, cover, or closing mechanism must be opened for a person to gain access to the handgun, or
  - The loaded handgun is securely encased by being stored in a closed, locked glove compartment or in a case that is locked.
- Motorcycles fall under the definition of motor vehicles. Thus, the same requirements apply to licensees who carry a handgun while on a motorcycle.

### Carrying a Concealed Handgun and Law Enforcement Encounters

*See Ohio Revised Code Sections 2923.12(A)(2), 2923.12(A)(3), 2923.12(A)(4), 2923.126(A), 2923.128(A)(2)(b), 2923.16(E), 2923.16(I).*

- If a person is stopped for a law enforcement purpose and if the person is carrying a concealed handgun as a CCW licensee pursuant to 2923.125, **whether in a motor vehicle or not**, the person shall keep his or her hands in plain sight at all times, unless in accordance with directions given by any law enforcement officer. Violating this section of the law is a first degree misdemeanor, and in addition to any other penalty handed down by a court, shall result in the suspension of the person's concealed handgun license for one year.
- If a person is stopped for a law enforcement purpose and if the person is carrying a concealed handgun as a CCW licensee pursuant to 2923.125, **whether in a motor vehicle or not**, the person shall not have or attempt to have any contact with the handgun unless in accordance with directions given by a law enforcement officer. Violating this section of the law is a felony of the fifth degree.
- If a person is stopped for a law enforcement purpose and if the person is carrying a concealed handgun as a CCW licensee pursuant to 2923.125, **whether in a motor vehicle or not**, the person shall not knowingly disregard or fail to comply with any lawful order given by any law enforcement officer. Violating this section of the law is a first degree misdemeanor, and in addition to any other penalty handed down by a court, shall result in the suspension of the person's concealed handgun license for two years.

## **Changes in the Application and Licensing Process**

*See Ohio Revised Code Sections 2923.125(D)(1)(a), Sec. 2923.125(D)(2), Sec. 2923.125(F), Sec. 2923.125(1) 2923.126(A), 2923.1210, 2923.1213(I).*

- The fee sheriffs may charge for license applications and renewals made after the effective date of this statute shall be \$55.
- Applicants must be legal residents of the United States.
- Applicants must state whether they have a concealed handgun license that is currently suspended.
- Applicants must state whether they have previously applied for a concealed handgun license and if so, must state in which county or counties the applicant applied.
- Sheriffs shall accept license applications and shall provide an application form to any person during at least fifteen hours a week. The sheriff shall post notice of the hours during which the sheriff is available to accept or provide the information described in this division.
- Sheriffs shall accept applicants and supporting documentation for temporary emergency licenses during normal business hours.
- Licenses issued **after** the effective date of the new statute will expire 5 years after issuance. Licenses issues **before** the effective date of the new statute are valid for four years from date of issuance.
- Renewed licenses regardless of the date of issue shall be valid for five years from the date of issuance.
- Renewal applicants shall not be made more than 90 days prior to the expiration date of the license nor more than 30 after the expiration date.

## **Effect of the New Law on Local Ordinances or Regulations**

*See Oh. Const. Art. XVIII, § 3, Ohio Revised Code Section 9.68*

- Except as specifically provided by the state or federal constitutions, or state or federal law, a person may own, possess, purchase, sell, transfer, transport, store, or keep any firearm, part of a firearm, its components, and its ammunition in the State of Ohio.

## ***Effect of the New Law on Retired Peace Officers***

*See Ohio Revised Code Sections 109.541; 109.71(A)(22); 109.801; 2923.126(F)*

- Each public agency or political subdivision of this state served by one or more peace officers shall issue a retired peace officer identification card with the retiree's picture to any person who retired from service as a peace officer with that agency, if the issuance is in accordance with the agency's policies and procedures and if the retiree satisfies all of the following:
  - Before retiring from service as a peace officer the person was regularly employed as a peace officer for a total of at least fifteen years; or
  - the person retired from service, after completing any applicable probationary period of that service, due to a service-connected disability;
  - The person retired in good standing from service as a peace officer, and the retirement was not for reasons of mental instability;
  - Before retiring from service as a peace officer with that agency, the person was authorized to engage in the prevention, investigation, or prosecution of any violation of law;
  - Before retiring from service as a peace officer with that agency, the person had statutory powers of arrest.
  - At the time of the person's retirement the person was trained and qualified to carry firearms in the performance his or her duties;
  - The person has a nonforfeitable right to benefits under the retirement plan of that agency.
- If a person is a retired peace officer as defined above, the public agency may provide the retired peace officer with the opportunity to attend a firearms requalification program and may charge the retired officer for the cost of the course.
- If a retired peace officer attends a firearms requalification program, the person's successful completion of the program requalifies the person for one year, and the person shall be issued a firearms requalification certification.
- The firearms requalification certification for a retired peace officer may be included in the retired peace officer identification card .
- A qualified retired peace officer who possesses a retired peace officer identification card and a valid firearms requalification certificate has the same rights and duties while carrying a concealed handgun in this state as a concealed handgun licensee and shall be considered a licensee for the purposes of reciprocity with other states.
- The public agency may charge for the retired peace officer identification card.