

As Introduced

**134th General Assembly
Regular Session
2021-2022**

S. B. No. 138

Senator Williams

Cosponsors: Senators Kunze, Yuko, Antonio, Craig, Thomas, Maharath, Fedor

A BILL

To amend sections 109.57, 2923.125, 2923.128, 1
2923.1213, and 2923.13 and to enact sections 2
2923.26, 2923.27, 2923.28, 2923.29, 2923.30, and 3
2923.99 of the Revised Code to enact the Extreme 4
Risk Protection Order Act. 5

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That sections 109.57, 2923.125, 2923.128, 6
2923.1213, and 2923.13 be amended and sections 2923.26, 2923.27, 7
2923.28, 2923.29, 2923.30, and 2923.99 of the Revised Code be 8
enacted to read as follows: 9

Sec. 109.57. (A) (1) The superintendent of the bureau of 10
criminal identification and investigation shall procure from 11
wherever procurable and file for record photographs, pictures, 12
descriptions, fingerprints, measurements, and other information 13
that may be pertinent of all persons who have been convicted of 14
committing within this state a felony, any crime constituting a 15
misdemeanor on the first offense and a felony on subsequent 16
offenses, or any misdemeanor described in division (A) (1) (a), 17
(A) (5) (a), or (A) (7) (a) of section 109.572 of the Revised Code, 18

of all children under eighteen years of age who have been 19
adjudicated delinquent children for committing within this state 20
an act that would be a felony or an offense of violence if 21
committed by an adult or who have been convicted of or pleaded 22
guilty to committing within this state a felony or an offense of 23
violence, and of all well-known and habitual criminals. The 24
person in charge of any county, multicounty, municipal, 25
municipal-county, or multicounty-municipal jail or workhouse, 26
community-based correctional facility, halfway house, 27
alternative residential facility, or state correctional 28
institution and the person in charge of any state institution 29
having custody of a person suspected of having committed a 30
felony, any crime constituting a misdemeanor on the first 31
offense and a felony on subsequent offenses, or any misdemeanor 32
described in division (A) (1) (a), (A) (5) (a), or (A) (7) (a) of 33
section 109.572 of the Revised Code or having custody of a child 34
under eighteen years of age with respect to whom there is 35
probable cause to believe that the child may have committed an 36
act that would be a felony or an offense of violence if 37
committed by an adult shall furnish such material to the 38
superintendent of the bureau. Fingerprints, photographs, or 39
other descriptive information of a child who is under eighteen 40
years of age, has not been arrested or otherwise taken into 41
custody for committing an act that would be a felony or an 42
offense of violence who is not in any other category of child 43
specified in this division, if committed by an adult, has not 44
been adjudicated a delinquent child for committing an act that 45
would be a felony or an offense of violence if committed by an 46
adult, has not been convicted of or pleaded guilty to committing 47
a felony or an offense of violence, and is not a child with 48
respect to whom there is probable cause to believe that the 49
child may have committed an act that would be a felony or an 50

offense of violence if committed by an adult shall not be 51
procured by the superintendent or furnished by any person in 52
charge of any county, multicounty, municipal, municipal-county, 53
or multicounty-municipal jail or workhouse, community-based 54
correctional facility, halfway house, alternative residential 55
facility, or state correctional institution, except as 56
authorized in section 2151.313 of the Revised Code. 57

(2) Every clerk of a court of record in this state, other 58
than the supreme court or a court of appeals, shall send to the 59
superintendent of the bureau a weekly report containing a 60
summary of each case involving a felony, involving any crime 61
constituting a misdemeanor on the first offense and a felony on 62
subsequent offenses, involving a misdemeanor described in 63
division (A) (1) (a), (A) (5) (a), or (A) (7) (a) of section 109.572 64
of the Revised Code, or involving an adjudication in a case in 65
which a child under eighteen years of age was alleged to be a 66
delinquent child for committing an act that would be a felony or 67
an offense of violence if committed by an adult. The clerk of 68
the court of common pleas shall include in the report and 69
summary the clerk sends under this division all information 70
described in divisions (A) (2) (a) to (f) of this section 71
regarding a case before the court of appeals that is served by 72
that clerk. The summary shall be written on the standard forms 73
furnished by the superintendent pursuant to division (B) of this 74
section and shall include the following information: 75

(a) The incident tracking number contained on the standard 76
forms furnished by the superintendent pursuant to division (B) 77
of this section; 78

(b) The style and number of the case; 79

(c) The date of arrest, offense, summons, or arraignment; 80

(d) The date that the person was convicted of or pleaded 81
guilty to the offense, adjudicated a delinquent child for 82
committing the act that would be a felony or an offense of 83
violence if committed by an adult, found not guilty of the 84
offense, or found not to be a delinquent child for committing an 85
act that would be a felony or an offense of violence if 86
committed by an adult, the date of an entry dismissing the 87
charge, an entry declaring a mistrial of the offense in which 88
the person is discharged, an entry finding that the person or 89
child is not competent to stand trial, or an entry of a nolle 90
prosequi, or the date of any other determination that 91
constitutes final resolution of the case; 92

(e) A statement of the original charge with the section of 93
the Revised Code that was alleged to be violated; 94

(f) If the person or child was convicted, pleaded guilty, 95
or was adjudicated a delinquent child, the sentence or terms of 96
probation imposed or any other disposition of the offender or 97
the delinquent child. 98

If the offense involved the disarming of a law enforcement 99
officer or an attempt to disarm a law enforcement officer, the 100
clerk shall clearly state that fact in the summary, and the 101
superintendent shall ensure that a clear statement of that fact 102
is placed in the bureau's records. 103

(3) The superintendent shall cooperate with and assist 104
sheriffs, chiefs of police, and other law enforcement officers 105
in the establishment of a complete system of criminal 106
identification and in obtaining fingerprints and other means of 107
identification of all persons arrested on a charge of a felony, 108
any crime constituting a misdemeanor on the first offense and a 109
felony on subsequent offenses, or a misdemeanor described in 110

division (A) (1) (a), (A) (5) (a), or (A) (7) (a) of section 109.572 111
of the Revised Code and of all children under eighteen years of 112
age arrested or otherwise taken into custody for committing an 113
act that would be a felony or an offense of violence if 114
committed by an adult. The superintendent also shall file for 115
record the fingerprint impressions of all persons confined in a 116
county, multicounty, municipal, municipal-county, or 117
multicounty-municipal jail or workhouse, community-based 118
correctional facility, halfway house, alternative residential 119
facility, or state correctional institution for the violation of 120
state laws and of all children under eighteen years of age who 121
are confined in a county, multicounty, municipal, municipal- 122
county, or multicounty-municipal jail or workhouse, community- 123
based correctional facility, halfway house, alternative 124
residential facility, or state correctional institution or in 125
any facility for delinquent children for committing an act that 126
would be a felony or an offense of violence if committed by an 127
adult, and any other information that the superintendent may 128
receive from law enforcement officials of the state and its 129
political subdivisions. 130

(4) The superintendent shall carry out Chapter 2950. of 131
the Revised Code with respect to the registration of persons who 132
are convicted of or plead guilty to a sexually oriented offense 133
or a child-victim oriented offense and with respect to all other 134
duties imposed on the bureau under that chapter. 135

(5) The bureau shall perform centralized recordkeeping 136
functions for criminal history records and services in this 137
state for purposes of the national crime prevention and privacy 138
compact set forth in section 109.571 of the Revised Code and is 139
the criminal history record repository as defined in that 140
section for purposes of that compact. The superintendent or the 141

superintendent's designee is the compact officer for purposes of 142
that compact and shall carry out the responsibilities of the 143
compact officer specified in that compact. 144

(6) The superintendent shall, upon request, assist a 145
county coroner in the identification of a deceased person 146
through the use of fingerprint impressions obtained pursuant to 147
division (A)(1) of this section or collected pursuant to section 148
109.572 or 311.41 of the Revised Code. 149

(B) The superintendent shall prepare and furnish to every 150
county, multicounty, municipal, municipal-county, or 151
multicounty-municipal jail or workhouse, community-based 152
correctional facility, halfway house, alternative residential 153
facility, or state correctional institution and to every clerk 154
of a court in this state specified in division (A)(2) of this 155
section standard forms for reporting the information required 156
under division (A) of this section. The standard forms that the 157
superintendent prepares pursuant to this division may be in a 158
tangible format, in an electronic format, or in both tangible 159
formats and electronic formats. 160

(C)(1) The superintendent may operate a center for 161
electronic, automated, or other data processing for the storage 162
and retrieval of information, data, and statistics pertaining to 163
criminals and to children under eighteen years of age who are 164
adjudicated delinquent children for committing an act that would 165
be a felony or an offense of violence if committed by an adult, 166
criminal activity, crime prevention, law enforcement, and 167
criminal justice, and may establish and operate a statewide 168
communications network to be known as the Ohio law enforcement 169
gateway to gather and disseminate information, data, and 170
statistics for the use of law enforcement agencies and for other 171

uses specified in this division. The superintendent may gather, 172
store, retrieve, and disseminate information, data, and 173
statistics that pertain to children who are under eighteen years 174
of age and that are gathered pursuant to sections 109.57 to 175
109.61 of the Revised Code together with information, data, and 176
statistics that pertain to adults and that are gathered pursuant 177
to those sections. 178

(2) The superintendent or the superintendent's designee 179
shall gather information of the nature described in division (C) 180
(1) of this section that pertains to the offense and delinquency 181
history of a person who has been convicted of, pleaded guilty 182
to, or been adjudicated a delinquent child for committing a 183
sexually oriented offense or a child-victim oriented offense for 184
inclusion in the state registry of sex offenders and child- 185
victim offenders maintained pursuant to division (A) (1) of 186
section 2950.13 of the Revised Code and in the internet database 187
operated pursuant to division (A) (13) of that section and for 188
possible inclusion in the internet database operated pursuant to 189
division (A) (11) of that section. 190

(3) In addition to any other authorized use of 191
information, data, and statistics of the nature described in 192
division (C) (1) of this section, the superintendent or the 193
superintendent's designee may provide and exchange the 194
information, data, and statistics pursuant to the national crime 195
prevention and privacy compact as described in division (A) (5) 196
of this section. 197

(4) The Ohio law enforcement gateway shall contain the 198
name, confidential address, and telephone number of program 199
participants in the address confidentiality program established 200
under sections 111.41 to 111.47 of the Revised Code. 201

(5) The attorney general may adopt rules under Chapter 202
119. of the Revised Code establishing guidelines for the 203
operation of and participation in the Ohio law enforcement 204
gateway. The rules may include criteria for granting and 205
restricting access to information gathered and disseminated 206
through the Ohio law enforcement gateway. The attorney general 207
shall adopt rules under Chapter 119. of the Revised Code that 208
grant access to information in the gateway regarding an address 209
confidentiality program participant under sections 111.41 to 210
111.47 of the Revised Code to only chiefs of police, village 211
marshals, county sheriffs, county prosecuting attorneys, and a 212
designee of each of these individuals. The attorney general 213
shall permit the state medical board and board of nursing to 214
access and view, but not alter, information gathered and 215
disseminated through the Ohio law enforcement gateway. 216

The attorney general may appoint a steering committee to 217
advise the attorney general in the operation of the Ohio law 218
enforcement gateway that is comprised of persons who are 219
representatives of the criminal justice agencies in this state 220
that use the Ohio law enforcement gateway and is chaired by the 221
superintendent or the superintendent's designee. 222

(D) (1) The following are not public records under section 223
149.43 of the Revised Code: 224

(a) Information and materials furnished to the 225
superintendent pursuant to division (A) of this section; 226

(b) Information, data, and statistics gathered or 227
disseminated through the Ohio law enforcement gateway pursuant 228
to division (C) (1) of this section; 229

(c) Information and materials furnished to any board or 230

person under division (F) or (G) of this section.	231
(2) The superintendent or the superintendent's designee shall gather and retain information so furnished under division (A) of this section that pertains to the offense and delinquency history of a person who has been convicted of, pleaded guilty to, or been adjudicated a delinquent child for committing a sexually oriented offense or a child-victim oriented offense for the purposes described in division (C) (2) of this section.	232 233 234 235 236 237 238
(E) (1) The attorney general shall adopt rules, in accordance with Chapter 119. of the Revised Code and subject to division (E) (2) of this section, setting forth the procedure by which a person may receive or release information gathered by the superintendent pursuant to division (A) of this section. A reasonable fee may be charged for this service. If a temporary employment service submits a request for a determination of whether a person the service plans to refer to an employment position has been convicted of or pleaded guilty to an offense listed or described in division (A) (1), (2), or (3) of section 109.572 of the Revised Code, the request shall be treated as a single request and only one fee shall be charged.	239 240 241 242 243 244 245 246 247 248 249 250
(2) Except as otherwise provided in this division or division (E) (3) or (4) of this section, a rule adopted under division (E) (1) of this section may provide only for the release of information gathered pursuant to division (A) of this section that relates to the conviction of a person, or a person's plea of guilty to, a criminal offense or to the arrest of a person as provided in division (E) (3) of this section. The superintendent shall not release, and the attorney general shall not adopt any rule under division (E) (1) of this section that permits the release of, any information gathered pursuant to division (A) of	251 252 253 254 255 256 257 258 259 260

this section that relates to an adjudication of a child as a delinquent child, or that relates to a criminal conviction of a person under eighteen years of age if the person's case was transferred back to a juvenile court under division (B) (2) or (3) of section 2152.121 of the Revised Code and the juvenile court imposed a disposition or serious youthful offender disposition upon the person under either division, unless either of the following applies with respect to the adjudication or conviction:

(a) The adjudication or conviction was for a violation of section 2903.01 or 2903.02 of the Revised Code.

(b) The adjudication or conviction was for a sexually oriented offense, the juvenile court was required to classify the child a juvenile offender registrant for that offense under section 2152.82, 2152.83, or 2152.86 of the Revised Code, that classification has not been removed, and the records of the adjudication or conviction have not been sealed or expunged pursuant to sections 2151.355 to 2151.358 or sealed pursuant to section 2952.32 of the Revised Code.

(3) A rule adopted under division (E) (1) of this section may provide for the release of information gathered pursuant to division (A) of this section that relates to the arrest of a person who is eighteen years of age or older when the person has not been convicted as a result of that arrest if any of the following applies:

(a) The arrest was made outside of this state.

(b) A criminal action resulting from the arrest is pending, and the superintendent confirms that the criminal action has not been resolved at the time the criminal records

check is performed. 290

(c) The bureau cannot reasonably determine whether a 291
criminal action resulting from the arrest is pending, and not 292
more than one year has elapsed since the date of the arrest. 293

(4) A rule adopted under division (E)(1) of this section 294
may provide for the release of information gathered pursuant to 295
division (A) of this section that relates to an adjudication of 296
a child as a delinquent child if not more than five years have 297
elapsed since the date of the adjudication, the adjudication was 298
for an act that would have been a felony if committed by an 299
adult, the records of the adjudication have not been sealed or 300
expunged pursuant to sections 2151.355 to 2151.358 of the 301
Revised Code, and the request for information is made under 302
division (F) of this section or under section 109.572 of the 303
Revised Code. In the case of an adjudication for a violation of 304
the terms of community control or supervised release, the five- 305
year period shall be calculated from the date of the 306
adjudication to which the community control or supervised 307
release pertains. 308

(F)(1) As used in division (F)(2) of this section, "head 309
start agency" means an entity in this state that has been 310
approved to be an agency for purposes of subchapter II of the 311
"Community Economic Development Act," 95 Stat. 489 (1981), 42 312
U.S.C.A. 9831, as amended. 313

(2)(a) In addition to or in conjunction with any request 314
that is required to be made under section 109.572, 2151.86, 315
3301.32, 3301.541, division (C) of section 3310.58, or section 316
3319.39, 3319.391, 3327.10, 3701.881, 5104.013, 5123.081, or 317
5153.111 of the Revised Code or that is made under section 318
3314.41, 3319.392, 3326.25, or 3328.20 of the Revised Code, the 319

board of education of any school district; the director of 320
developmental disabilities; any county board of developmental 321
disabilities; any provider or subcontractor as defined in 322
section 5123.081 of the Revised Code; the chief administrator of 323
any chartered nonpublic school; the chief administrator of a 324
registered private provider that is not also a chartered 325
nonpublic school; the chief administrator of any home health 326
agency; the chief administrator of or person operating any child 327
day-care center, type A family day-care home, or type B family 328
day-care home licensed under Chapter 5104. of the Revised Code; 329
the chief administrator of any head start agency; the executive 330
director of a public children services agency; a private company 331
described in section 3314.41, 3319.392, 3326.25, or 3328.20 of 332
the Revised Code; or an employer described in division (J) (2) of 333
section 3327.10 of the Revised Code may request that the 334
superintendent of the bureau investigate and determine, with 335
respect to any individual who has applied for employment in any 336
position after October 2, 1989, or any individual wishing to 337
apply for employment with a board of education may request, with 338
regard to the individual, whether the bureau has any information 339
gathered under division (A) of this section that pertains to 340
that individual. On receipt of the request, subject to division 341
(E) (2) of this section, the superintendent shall determine 342
whether that information exists and, upon request of the person, 343
board, or entity requesting information, also shall request from 344
the federal bureau of investigation any criminal records it has 345
pertaining to that individual. The superintendent or the 346
superintendent's designee also may request criminal history 347
records from other states or the federal government pursuant to 348
the national crime prevention and privacy compact set forth in 349
section 109.571 of the Revised Code. Within thirty days of the 350
date that the superintendent receives a request, subject to 351

division (E) (2) of this section, the superintendent shall send 352
to the board, entity, or person a report of any information that 353
the superintendent determines exists, including information 354
contained in records that have been sealed under section 2953.32 355
of the Revised Code, and, within thirty days of its receipt, 356
subject to division (E) (2) of this section, shall send the 357
board, entity, or person a report of any information received 358
from the federal bureau of investigation, other than information 359
the dissemination of which is prohibited by federal law. 360

(b) When a board of education or a registered private 361
provider is required to receive information under this section 362
as a prerequisite to employment of an individual pursuant to 363
division (C) of section 3310.58 or section 3319.39 of the 364
Revised Code, it may accept a certified copy of records that 365
were issued by the bureau of criminal identification and 366
investigation and that are presented by an individual applying 367
for employment with the district in lieu of requesting that 368
information itself. In such a case, the board shall accept the 369
certified copy issued by the bureau in order to make a photocopy 370
of it for that individual's employment application documents and 371
shall return the certified copy to the individual. In a case of 372
that nature, a district or provider only shall accept a 373
certified copy of records of that nature within one year after 374
the date of their issuance by the bureau. 375

(c) Notwithstanding division (F) (2) (a) of this section, in 376
the case of a request under section 3319.39, 3319.391, or 377
3327.10 of the Revised Code only for criminal records maintained 378
by the federal bureau of investigation, the superintendent shall 379
not determine whether any information gathered under division 380
(A) of this section exists on the person for whom the request is 381
made. 382

(3) The state board of education may request, with respect 383
to any individual who has applied for employment after October 384
2, 1989, in any position with the state board or the department 385
of education, any information that a school district board of 386
education is authorized to request under division (F) (2) of this 387
section, and the superintendent of the bureau shall proceed as 388
if the request has been received from a school district board of 389
education under division (F) (2) of this section. 390

(4) When the superintendent of the bureau receives a 391
request for information under section 3319.291 of the Revised 392
Code, the superintendent shall proceed as if the request has 393
been received from a school district board of education and 394
shall comply with divisions (F) (2) (a) and (c) of this section. 395

(G) In addition to or in conjunction with any request that 396
is required to be made under section 3701.881, 3712.09, or 397
3721.121 of the Revised Code with respect to an individual who 398
has applied for employment in a position that involves providing 399
direct care to an older adult or adult resident, the chief 400
administrator of a home health agency, hospice care program, 401
home licensed under Chapter 3721. of the Revised Code, or adult 402
day-care program operated pursuant to rules adopted under 403
section 3721.04 of the Revised Code may request that the 404
superintendent of the bureau investigate and determine, with 405
respect to any individual who has applied after January 27, 406
1997, for employment in a position that does not involve 407
providing direct care to an older adult or adult resident, 408
whether the bureau has any information gathered under division 409
(A) of this section that pertains to that individual. 410

In addition to or in conjunction with any request that is 411
required to be made under section 173.27 of the Revised Code 412

with respect to an individual who has applied for employment in 413
a position that involves providing ombudsman services to 414
residents of long-term care facilities or recipients of 415
community-based long-term care services, the state long-term 416
care ombudsman, the director of aging, a regional long-term care 417
ombudsman program, or the designee of the ombudsman, director, 418
or program may request that the superintendent investigate and 419
determine, with respect to any individual who has applied for 420
employment in a position that does not involve providing such 421
ombudsman services, whether the bureau has any information 422
gathered under division (A) of this section that pertains to 423
that applicant. 424

In addition to or in conjunction with any request that is 425
required to be made under section 173.38 of the Revised Code 426
with respect to an individual who has applied for employment in 427
a direct-care position, the chief administrator of a provider, 428
as defined in section 173.39 of the Revised Code, may request 429
that the superintendent investigate and determine, with respect 430
to any individual who has applied for employment in a position 431
that is not a direct-care position, whether the bureau has any 432
information gathered under division (A) of this section that 433
pertains to that applicant. 434

In addition to or in conjunction with any request that is 435
required to be made under section 3712.09 of the Revised Code 436
with respect to an individual who has applied for employment in 437
a position that involves providing direct care to a pediatric 438
respite care patient, the chief administrator of a pediatric 439
respite care program may request that the superintendent of the 440
bureau investigate and determine, with respect to any individual 441
who has applied for employment in a position that does not 442
involve providing direct care to a pediatric respite care 443

patient, whether the bureau has any information gathered under 444
division (A) of this section that pertains to that individual. 445

On receipt of a request under this division, the 446
superintendent shall determine whether that information exists 447
and, on request of the individual requesting information, shall 448
also request from the federal bureau of investigation any 449
criminal records it has pertaining to the applicant. The 450
superintendent or the superintendent's designee also may request 451
criminal history records from other states or the federal 452
government pursuant to the national crime prevention and privacy 453
compact set forth in section 109.571 of the Revised Code. Within 454
thirty days of the date a request is received, subject to 455
division (E) (2) of this section, the superintendent shall send 456
to the requester a report of any information determined to 457
exist, including information contained in records that have been 458
sealed under section 2953.32 of the Revised Code, and, within 459
thirty days of its receipt, shall send the requester a report of 460
any information received from the federal bureau of 461
investigation, other than information the dissemination of which 462
is prohibited by federal law. 463

(H) Information obtained by a government entity or person 464
under this section is confidential and shall not be released or 465
disseminated. 466

(I) The superintendent may charge a reasonable fee for 467
providing information or criminal records under division (F) (2) 468
or (G) of this section. 469

~~(J)~~ (J) (1) The superintendent shall develop and prepare 470
instructions and informational brochures, standard petitions, 471
extreme risk protection order forms, and a court staff handbook 472
on the extreme risk protection order process. The standard 473

petitions and order forms shall be prepared and available for 474
use not later than six months after the effective date of this 475
amendment, for all petitions filed and orders issued under 476
sections 2923.26 to 2923.30 of the Revised Code. The 477
instructions, brochures, forms, and handbook shall be prepared 478
in consultation with interested parties, including 479
representatives of gun violence prevention groups, judges, and 480
law enforcement personnel. Materials shall be based on best 481
practices and shall be made available online to the public. 482

(2) The instructions shall be designed to assist 483
petitioners in completing the petition, and shall include a 484
sample of a standard petition and extreme risk protection order 485
form. 486

(3) The instructions and standard petition shall include a 487
means for the petitioner to identify, without special knowledge, 488
the firearms the respondent may own, possess, receive, or have 489
in the respondent's custody or control. The instructions shall 490
provide pictures of types of firearms that the petitioner may 491
choose from to identify the relevant firearms, or an equivalent 492
means to allow petitioners to identify firearms without 493
requiring specific or technical knowledge regarding the 494
firearms. 495

(4) The informational brochure shall describe the use of 496
and the process for obtaining, modifying, and terminating an 497
extreme risk protection order under sections 2923.26 to 2923.30 498
of the Revised Code and provide relevant forms. 499

(5) The extreme risk protection order form shall include, 500
in a conspicuous location, notice of criminal penalties 501
resulting from a violation of the order, and the following 502
statement: 503

"You have the sole responsibility to avoid or refrain from 504
violating this order's provisions. Only the court can change the 505
order and only upon written application." 506

(6) The court staff handbook shall allow for a clerk of 507
court to add to the handbook a community resource list. 508

(7) The superintendent shall distribute a master copy of 509
the petition and order forms, instructions, and informational 510
brochures to every clerk of court and shall distribute a master 511
copy of the petition and order forms to all county courts, 512
municipal courts, and courts of common pleas. 513

(8) The superintendent shall distribute all documents in 514
an electronic format or formats accessible to all courts and 515
clerks of court in the state and may additionally distribute the 516
documents in other formats. 517

(9) The superintendent shall determine the significant 518
non-English-speaking or limited English-speaking populations in 519
the state and arrange for translation of the instructions and 520
informational brochures required by this section into the 521
languages spoken by those populations. The translated 522
instructions and informational brochures shall contain a sample 523
of the standard petition and order for protection forms. The 524
superintendent shall distribute a master copy of the translated 525
instructions and informational brochures to every clerk of court 526
not later than one year after the effective date of this 527
amendment. 528

(10) The superintendent shall update the instructions, 529
brochures, standard petitions, extreme risk protection order 530
forms, and court staff handbook as necessary, including when 531
changes in the law make an update necessary. 532

(11) Any assistance or information provided by a clerk of court under division (J) of this section does not constitute the practice of law. 533
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(K) In addition to informational brochures and materials made available by the superintendent under division (J) of this section, each clerk of court may create a community resource list of crisis intervention, mental health, substance abuse, interpreter, counseling, and other relevant resources serving the county in which the court is located. 536
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(L) As used in this section: 542

(1) "Pediatric respite care program" and "pediatric care patient" have the same meanings as in section 3712.01 of the Revised Code. 543
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(2) "Sexually oriented offense" and "child-victim oriented offense" have the same meanings as in section 2950.01 of the Revised Code. 546
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(3) "Registered private provider" means a nonpublic school or entity registered with the superintendent of public instruction under section 3310.41 of the Revised Code to participate in the autism scholarship program or section 3310.58 of the Revised Code to participate in the Jon Peterson special needs scholarship program. 549
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(4) "Extreme risk protection order" has the same meaning as in section 2923.26 of the Revised Code. 555
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Sec. 2923.125. It is the intent of the general assembly that Ohio concealed handgun license law be compliant with the national instant criminal background check system, that the bureau of alcohol, tobacco, firearms, and explosives is able to determine that Ohio law is compliant with the national instant 557
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criminal background check system, and that no person shall be 562
eligible to receive a concealed handgun license permit under 563
section 2923.125 or 2923.1213 of the Revised Code unless the 564
person is eligible lawfully to receive or possess a firearm in 565
the United States. 566

(A) This section applies with respect to the application 567
for and issuance by this state of concealed handgun licenses 568
other than concealed handgun licenses on a temporary emergency 569
basis that are issued under section 2923.1213 of the Revised 570
Code. Upon the request of a person who wishes to obtain a 571
concealed handgun license with respect to which this section 572
applies or to renew a concealed handgun license with respect to 573
which this section applies, a sheriff, as provided in division 574
(I) of this section, shall provide to the person free of charge 575
an application form and the web site address at which a 576
printable version of the application form that can be downloaded 577
and the pamphlet described in division (B) of section 109.731 of 578
the Revised Code may be found. A sheriff shall accept a 579
completed application form and the fee, items, materials, and 580
information specified in divisions (B) (1) to (5) of this section 581
at the times and in the manners described in division (I) of 582
this section. 583

(B) An applicant for a concealed handgun license who is a 584
resident of this state shall submit a completed application form 585
and all of the material and information described in divisions 586
(B) (1) to (6) of this section to the sheriff of the county in 587
which the applicant resides or to the sheriff of any county 588
adjacent to the county in which the applicant resides. An 589
applicant for a license who resides in another state shall 590
submit a completed application form and all of the material and 591
information described in divisions (B) (1) to (7) of this section 592

to the sheriff of the county in which the applicant is employed 593
or to the sheriff of any county adjacent to the county in which 594
the applicant is employed: 595

(1) (a) A nonrefundable license fee as described in either 596
of the following: 597

(i) For an applicant who has been a resident of this state 598
for five or more years, a fee of sixty-seven dollars; 599

(ii) For an applicant who has been a resident of this 600
state for less than five years or who is not a resident of this 601
state, but who is employed in this state, a fee of sixty-seven 602
dollars plus the actual cost of having a background check 603
performed by the federal bureau of investigation. 604

(b) No sheriff shall require an applicant to pay for the 605
cost of a background check performed by the bureau of criminal 606
identification and investigation. 607

(c) A sheriff shall waive the payment of the license fee 608
described in division (B) (1) (a) of this section in connection 609
with an initial or renewal application for a license that is 610
submitted by an applicant who is an active or reserve member of 611
the armed forces of the United States or has retired from or was 612
honorably discharged from military service in the active or 613
reserve armed forces of the United States, a retired peace 614
officer, a retired person described in division (B) (1) (b) of 615
section 109.77 of the Revised Code, or a retired federal law 616
enforcement officer who, prior to retirement, was authorized 617
under federal law to carry a firearm in the course of duty, 618
unless the retired peace officer, person, or federal law 619
enforcement officer retired as the result of a mental 620
disability. 621

(d) The sheriff shall deposit all fees paid by an applicant under division (B) (1) (a) of this section into the sheriff's concealed handgun license issuance fund established pursuant to section 311.42 of the Revised Code. The county shall distribute the fees in accordance with section 311.42 of the Revised Code.

(2) A color photograph of the applicant that was taken within thirty days prior to the date of the application;

(3) One or more of the following competency certifications, each of which shall reflect that, regarding a certification described in division (B) (3) (a), (b), (c), (e), or (f) of this section, within the three years immediately preceding the application the applicant has performed that to which the competency certification relates and that, regarding a certification described in division (B) (3) (d) of this section, the applicant currently is an active or reserve member of the armed forces of the United States, the applicant has retired from or was honorably discharged from military service in the active or reserve armed forces of the United States, or within the ten years immediately preceding the application the retirement of the peace officer, person described in division (B) (1) (b) of section 109.77 of the Revised Code, or federal law enforcement officer to which the competency certification relates occurred:

(a) An original or photocopy of a certificate of completion of a firearms safety, training, or requalification or firearms safety instructor course, class, or program that was offered by or under the auspices of a national gun advocacy organization and that complies with the requirements set forth in division (G) of this section;

(b) An original or photocopy of a certificate of 652
completion of a firearms safety, training, or requalification or 653
firearms safety instructor course, class, or program that 654
satisfies all of the following criteria: 655

(i) It was open to members of the general public. 656

(ii) It utilized qualified instructors who were certified 657
by a national gun advocacy organization, the executive director 658
of the Ohio peace officer training commission pursuant to 659
section 109.75 or 109.78 of the Revised Code, or a governmental 660
official or entity of another state. 661

(iii) It was offered by or under the auspices of a law 662
enforcement agency of this or another state or the United 663
States, a public or private college, university, or other 664
similar postsecondary educational institution located in this or 665
another state, a firearms training school located in this or 666
another state, or another type of public or private entity or 667
organization located in this or another state. 668

(iv) It complies with the requirements set forth in 669
division (G) of this section. 670

(c) An original or photocopy of a certificate of 671
completion of a state, county, municipal, or department of 672
natural resources peace officer training school that is approved 673
by the executive director of the Ohio peace officer training 674
commission pursuant to section 109.75 of the Revised Code and 675
that complies with the requirements set forth in division (G) of 676
this section, or the applicant has satisfactorily completed and 677
been issued a certificate of completion of a basic firearms 678
training program, a firearms requalification training program, 679
or another basic training program described in section 109.78 or 680

109.801 of the Revised Code that complies with the requirements 681
set forth in division (G) of this section; 682

(d) A document that evidences both of the following: 683

(i) That the applicant is an active or reserve member of 684
the armed forces of the United States, has retired from or was 685
honorably discharged from military service in the active or 686
reserve armed forces of the United States, is a retired trooper 687
of the state highway patrol, or is a retired peace officer or 688
federal law enforcement officer described in division (B) (1) of 689
this section or a retired person described in division (B) (1) (b) 690
of section 109.77 of the Revised Code and division (B) (1) of 691
this section; 692

(ii) That, through participation in the military service 693
or through the former employment described in division (B) (3) (d) 694
(i) of this section, the applicant acquired experience with 695
handling handguns or other firearms, and the experience so 696
acquired was equivalent to training that the applicant could 697
have acquired in a course, class, or program described in 698
division (B) (3) (a), (b), or (c) of this section. 699

(e) A certificate or another similar document that 700
evidences satisfactory completion of a firearms training, 701
safety, or requalification or firearms safety instructor course, 702
class, or program that is not otherwise described in division 703
(B) (3) (a), (b), (c), or (d) of this section, that was conducted 704
by an instructor who was certified by an official or entity of 705
the government of this or another state or the United States or 706
by a national gun advocacy organization, and that complies with 707
the requirements set forth in division (G) of this section; 708

(f) An affidavit that attests to the applicant's 709

satisfactory completion of a course, class, or program described 710
in division (B) (3) (a), (b), (c), or (e) of this section and that 711
is subscribed by the applicant's instructor or an authorized 712
representative of the entity that offered the course, class, or 713
program or under whose auspices the course, class, or program 714
was offered; 715

(g) A document that evidences that the applicant has 716
successfully completed the Ohio peace officer training program 717
described in section 109.79 of the Revised Code. 718

(4) A certification by the applicant that the applicant 719
has read the pamphlet prepared by the Ohio peace officer 720
training commission pursuant to section 109.731 of the Revised 721
Code that reviews firearms, dispute resolution, and use of 722
deadly force matters. 723

(5) A set of fingerprints of the applicant provided as 724
described in section 311.41 of the Revised Code through use of 725
an electronic fingerprint reading device or, if the sheriff to 726
whom the application is submitted does not possess and does not 727
have ready access to the use of such a reading device, on a 728
standard impression sheet prescribed pursuant to division (C) (2) 729
of section 109.572 of the Revised Code. 730

(6) If the applicant is not a citizen or national of the 731
United States, the name of the applicant's country of 732
citizenship and the applicant's alien registration number issued 733
by the United States citizenship and immigration services 734
agency. 735

(7) If the applicant resides in another state, adequate 736
proof of employment in Ohio. 737

(C) Upon receipt of the completed application form, 738

supporting documentation, and, if not waived, license fee of an 739
applicant under this section, a sheriff, in the manner specified 740
in section 311.41 of the Revised Code, shall conduct or cause to 741
be conducted the criminal records check and the incompetency 742
records check described in section 311.41 of the Revised Code. 743

(D) (1) Except as provided in division (D) (3) of this 744
section, within forty-five days after a sheriff's receipt of an 745
applicant's completed application form for a concealed handgun 746
license under this section, the supporting documentation, and, 747
if not waived, the license fee, the sheriff shall make available 748
through the law enforcement automated data system in accordance 749
with division (H) of this section the information described in 750
that division and, upon making the information available through 751
the system, shall issue to the applicant a concealed handgun 752
license that shall expire as described in division (D) (2) (a) of 753
this section if all of the following apply: 754

(a) The applicant is legally living in the United States. 755
For purposes of division (D) (1) (a) of this section, if a person 756
is absent from the United States in compliance with military or 757
naval orders as an active or reserve member of the armed forces 758
of the United States and if prior to leaving the United States 759
the person was legally living in the United States, the person, 760
solely by reason of that absence, shall not be considered to 761
have lost the person's status as living in the United States. 762

(b) The applicant is at least twenty-one years of age. 763

(c) The applicant is not a fugitive from justice. 764

(d) The applicant is not under indictment for or otherwise 765
charged with a felony; an offense under Chapter 2925., 3719., or 766
4729. of the Revised Code that involves the illegal possession, 767

use, sale, administration, or distribution of or trafficking in 768
a drug of abuse; a misdemeanor offense of violence; or a 769
violation of section 2903.14 or 2923.1211 of the Revised Code. 770

(e) Except as otherwise provided in division (D) (4) or (5) 771
of this section, the applicant has not been convicted of or 772
pleaded guilty to a felony or an offense under Chapter 2925., 773
3719., or 4729. of the Revised Code that involves the illegal 774
possession, use, sale, administration, or distribution of or 775
trafficking in a drug of abuse; has not been adjudicated a 776
delinquent child for committing an act that if committed by an 777
adult would be a felony or would be an offense under Chapter 778
2925., 3719., or 4729. of the Revised Code that involves the 779
illegal possession, use, sale, administration, or distribution 780
of or trafficking in a drug of abuse; has not been convicted of, 781
pleaded guilty to, or adjudicated a delinquent child for 782
committing a violation of section 2903.13 of the Revised Code 783
when the victim of the violation is a peace officer, regardless 784
of whether the applicant was sentenced under division (C) (4) of 785
that section; and has not been convicted of, pleaded guilty to, 786
or adjudicated a delinquent child for committing any other 787
offense that is not previously described in this division that 788
is a misdemeanor punishable by imprisonment for a term exceeding 789
one year. 790

(f) Except as otherwise provided in division (D) (4) or (5) 791
of this section, the applicant, within three years of the date 792
of the application, has not been convicted of or pleaded guilty 793
to a misdemeanor offense of violence other than a misdemeanor 794
violation of section 2921.33 of the Revised Code or a violation 795
of section 2903.13 of the Revised Code when the victim of the 796
violation is a peace officer, or a misdemeanor violation of 797
section 2923.1211 of the Revised Code; and has not been 798

adjudicated a delinquent child for committing an act that if 799
committed by an adult would be a misdemeanor offense of violence 800
other than a misdemeanor violation of section 2921.33 of the 801
Revised Code or a violation of section 2903.13 of the Revised 802
Code when the victim of the violation is a peace officer or for 803
committing an act that if committed by an adult would be a 804
misdemeanor violation of section 2923.1211 of the Revised Code. 805

(g) Except as otherwise provided in division (D) (1) (e) of 806
this section, the applicant, within five years of the date of 807
the application, has not been convicted of, pleaded guilty to, 808
or adjudicated a delinquent child for committing two or more 809
violations of section 2903.13 or 2903.14 of the Revised Code. 810

(h) Except as otherwise provided in division (D) (4) or (5) 811
of this section, the applicant, within ten years of the date of 812
the application, has not been convicted of, pleaded guilty to, 813
or adjudicated a delinquent child for committing a violation of 814
section 2921.33 of the Revised Code. 815

(i) The applicant has not been adjudicated as a mental 816
defective, has not been committed to any mental institution, is 817
not under adjudication of mental incompetence, has not been 818
found by a court to be a mentally ill person subject to court 819
order, and is not an involuntary patient other than one who is a 820
patient only for purposes of observation. As used in this 821
division, "mentally ill person subject to court order" and 822
"patient" have the same meanings as in section 5122.01 of the 823
Revised Code. 824

(j) The applicant is not currently subject to a civil 825
protection order, a temporary protection order, an extreme risk 826
protection order issued under sections 2923.26 to 2923.30 of the 827
Revised Code, or a protection order issued by a court of another 828

state. 829

(k) The applicant certifies that the applicant desires a 830
legal means to carry a concealed handgun for defense of the 831
applicant or a member of the applicant's family while engaged in 832
lawful activity. 833

(l) The applicant submits a competency certification of 834
the type described in division (B) (3) of this section and 835
submits a certification of the type described in division (B) (4) 836
of this section regarding the applicant's reading of the 837
pamphlet prepared by the Ohio peace officer training commission 838
pursuant to section 109.731 of the Revised Code. 839

(m) The applicant currently is not subject to a suspension 840
imposed under division (A) (2) of section 2923.128 of the Revised 841
Code of a concealed handgun license that previously was issued 842
to the applicant under this section or section 2923.1213 of the 843
Revised Code or a similar suspension imposed by another state 844
regarding a concealed handgun license issued by that state. 845

(n) If the applicant resides in another state, the 846
applicant is employed in this state. 847

(o) The applicant certifies that the applicant is not an 848
unlawful user of or addicted to any controlled substance as 849
defined in 21 U.S.C. 802. 850

(p) If the applicant is not a United States citizen, the 851
applicant is an alien and has not been admitted to the United 852
States under a nonimmigrant visa, as defined in the "Immigration 853
and Nationality Act," 8 U.S.C. 1101(a) (26). 854

(q) The applicant has not been discharged from the armed 855
forces of the United States under dishonorable conditions. 856

(r) The applicant certifies that the applicant has not 857
renounced the applicant's United States citizenship, if 858
applicable. 859

(s) The applicant has not been convicted of, pleaded 860
guilty to, or adjudicated a delinquent child for committing a 861
violation of section 2919.25 of the Revised Code or a similar 862
violation in another state. 863

(2) (a) A concealed handgun license that a sheriff issues 864
under division (D) (1) of this section shall expire five years 865
after the date of issuance. 866

If a sheriff issues a license under this section, the 867
sheriff shall place on the license a unique combination of 868
letters and numbers identifying the license in accordance with 869
the procedure prescribed by the Ohio peace officer training 870
commission pursuant to section 109.731 of the Revised Code. 871

(b) If a sheriff denies an application under this section 872
because the applicant does not satisfy the criteria described in 873
division (D) (1) of this section, the sheriff shall specify the 874
grounds for the denial in a written notice to the applicant. The 875
applicant may appeal the denial pursuant to section 119.12 of 876
the Revised Code in the county served by the sheriff who denied 877
the application. If the denial was as a result of the criminal 878
records check conducted pursuant to section 311.41 of the 879
Revised Code and if, pursuant to section 2923.127 of the Revised 880
Code, the applicant challenges the criminal records check 881
results using the appropriate challenge and review procedure 882
specified in that section, the time for filing the appeal 883
pursuant to section 119.12 of the Revised Code and this division 884
is tolled during the pendency of the request or the challenge 885
and review. 886

(c) If the court in an appeal under section 119.12 of the Revised Code and division (D) (2) (b) of this section enters a judgment sustaining the sheriff's refusal to grant to the applicant a concealed handgun license, the applicant may file a new application beginning one year after the judgment is entered. If the court enters a judgment in favor of the applicant, that judgment shall not restrict the authority of a sheriff to suspend or revoke the license pursuant to section 2923.128 or 2923.1213 of the Revised Code or to refuse to renew the license for any proper cause that may occur after the date the judgment is entered. In the appeal, the court shall have full power to dispose of all costs.

(3) If the sheriff with whom an application for a concealed handgun license was filed under this section becomes aware that the applicant has been arrested for or otherwise charged with an offense that would disqualify the applicant from holding the license, the sheriff shall suspend the processing of the application until the disposition of the case arising from the arrest or charge.

(4) If an applicant has been convicted of or pleaded guilty to an offense identified in division (D) (1) (e), (f), or (h) of this section or has been adjudicated a delinquent child for committing an act or violation identified in any of those divisions, and if a court has ordered the sealing or expungement of the records of that conviction, guilty plea, or adjudication pursuant to sections 2151.355 to 2151.358, sections 2953.31 to 2953.36, or section 2953.37 of the Revised Code or the applicant has been relieved under operation of law or legal process from the disability imposed pursuant to section 2923.13 of the Revised Code relative to that conviction, guilty plea, or adjudication, the sheriff with whom the application was

submitted shall not consider the conviction, guilty plea, or 918
adjudication in making a determination under division (D)(1) or 919
(F) of this section or, in relation to an application for a 920
concealed handgun license on a temporary emergency basis 921
submitted under section 2923.1213 of the Revised Code, in making 922
a determination under division (B)(2) of that section. 923

(5) If an applicant has been convicted of or pleaded 924
guilty to a minor misdemeanor offense or has been adjudicated a 925
delinquent child for committing an act or violation that is a 926
minor misdemeanor offense, the sheriff with whom the application 927
was submitted shall not consider the conviction, guilty plea, or 928
adjudication in making a determination under division (D)(1) or 929
(F) of this section or, in relation to an application for a 930
concealed handgun license on a temporary basis submitted under 931
section 2923.1213 of the Revised Code, in making a determination 932
under division (B)(2) of that section. 933

(E) If a concealed handgun license issued under this 934
section is lost or is destroyed, the licensee may obtain from 935
the sheriff who issued that license a duplicate license upon the 936
payment of a fee of fifteen dollars and the submission of an 937
affidavit attesting to the loss or destruction of the license. 938
The sheriff, in accordance with the procedures prescribed in 939
section 109.731 of the Revised Code, shall place on the 940
replacement license a combination of identifying numbers 941
different from the combination on the license that is being 942
replaced. 943

(F)(1)(a) Except as provided in division (F)(1)(b) of this 944
section, a licensee who wishes to renew a concealed handgun 945
license issued under this section may do so at any time before 946
the expiration date of the license or at any time after the 947

expiration date of the license by filing with the sheriff of the 948
county in which the applicant resides or with the sheriff of an 949
adjacent county, or in the case of an applicant who resides in 950
another state with the sheriff of the county that issued the 951
applicant's previous concealed handgun license an application 952
for renewal of the license obtained pursuant to division (D) of 953
this section, a certification by the applicant that, subsequent 954
to the issuance of the license, the applicant has reread the 955
pamphlet prepared by the Ohio peace officer training commission 956
pursuant to section 109.731 of the Revised Code that reviews 957
firearms, dispute resolution, and use of deadly force matters, 958
and a nonrefundable license renewal fee in an amount determined 959
pursuant to division (F) (4) of this section unless the fee is 960
waived. 961

(b) A person on active duty in the armed forces of the 962
United States or in service with the peace corps, volunteers in 963
service to America, or the foreign service of the United States 964
is exempt from the license requirements of this section for the 965
period of the person's active duty or service and for six months 966
thereafter, provided the person was a licensee under this 967
section at the time the person commenced the person's active 968
duty or service or had obtained a license while on active duty 969
or service. The spouse or a dependent of any such person on 970
active duty or in service also is exempt from the license 971
requirements of this section for the period of the person's 972
active duty or service and for six months thereafter, provided 973
the spouse or dependent was a licensee under this section at the 974
time the person commenced the active duty or service or had 975
obtained a license while the person was on active duty or 976
service, and provided further that the person's active duty or 977
service resulted in the spouse or dependent relocating outside 978

of this state during the period of the active duty or service. 979
This division does not prevent such a person or the person's 980
spouse or dependent from making an application for the renewal 981
of a concealed handgun license during the period of the person's 982
active duty or service. 983

(2) A sheriff shall accept a completed renewal 984
application, the license renewal fee, and the information 985
specified in division (F)(1) of this section at the times and in 986
the manners described in division (I) of this section. Upon 987
receipt of a completed renewal application, of certification 988
that the applicant has reread the specified pamphlet prepared by 989
the Ohio peace officer training commission, and of a license 990
renewal fee unless the fee is waived, a sheriff, in the manner 991
specified in section 311.41 of the Revised Code shall conduct or 992
cause to be conducted the criminal records check and the 993
incompetency records check described in section 311.41 of the 994
Revised Code. The sheriff shall renew the license if the sheriff 995
determines that the applicant continues to satisfy the 996
requirements described in division (D)(1) of this section, 997
except that the applicant is not required to meet the 998
requirements of division (D)(1)(1) of this section. A renewed 999
license shall expire five years after the date of issuance. A 1000
renewed license is subject to division (E) of this section and 1001
sections 2923.126 and 2923.128 of the Revised Code. A sheriff 1002
shall comply with divisions (D)(2) and (3) of this section when 1003
the circumstances described in those divisions apply to a 1004
requested license renewal. If a sheriff denies the renewal of a 1005
concealed handgun license, the applicant may appeal the denial, 1006
or challenge the criminal record check results that were the 1007
basis of the denial if applicable, in the same manner as 1008
specified in division (D)(2)(b) of this section and in section 1009

2923.127 of the Revised Code, regarding the denial of a license 1010
under this section. 1011

(3) A renewal application submitted pursuant to division 1012
(F) of this section shall only require the licensee to list on 1013
the application form information and matters occurring since the 1014
date of the licensee's last application for a license pursuant 1015
to division (B) or (F) of this section. A sheriff conducting the 1016
criminal records check and the incompetency records check 1017
described in section 311.41 of the Revised Code shall conduct 1018
the check only from the date of the licensee's last application 1019
for a license pursuant to division (B) or (F) of this section 1020
through the date of the renewal application submitted pursuant 1021
to division (F) of this section. 1022

(4) An applicant for a renewal concealed handgun license 1023
under this section shall submit to the sheriff of the county in 1024
which the applicant resides or to the sheriff of any county 1025
adjacent to the county in which the applicant resides, or in the 1026
case of an applicant who resides in another state to the sheriff 1027
of the county that issued the applicant's previous concealed 1028
handgun license, a nonrefundable license fee as described in 1029
either of the following: 1030

(a) For an applicant who has been a resident of this state 1031
for five or more years, a fee of fifty dollars; 1032

(b) For an applicant who has been a resident of this state 1033
for less than five years or who is not a resident of this state 1034
but who is employed in this state, a fee of fifty dollars plus 1035
the actual cost of having a background check performed by the 1036
federal bureau of investigation. 1037

(5) The concealed handgun license of a licensee who is no 1038

longer a resident of this state or no longer employed in this 1039
state, as applicable, is valid until the date of expiration on 1040
the license, and the licensee is prohibited from renewing the 1041
concealed handgun license. 1042

(G) (1) Each course, class, or program described in 1043
division (B) (3) (a), (b), (c), or (e) of this section shall 1044
provide to each person who takes the course, class, or program 1045
the web site address at which the pamphlet prepared by the Ohio 1046
peace officer training commission pursuant to section 109.731 of 1047
the Revised Code that reviews firearms, dispute resolution, and 1048
use of deadly force matters may be found. Each such course, 1049
class, or program described in one of those divisions shall 1050
include at least eight hours of training in the safe handling 1051
and use of a firearm that shall include training, provided as 1052
described in division (G) (3) of this section, on all of the 1053
following: 1054

(a) The ability to name, explain, and demonstrate the 1055
rules for safe handling of a handgun and proper storage 1056
practices for handguns and ammunition; 1057

(b) The ability to demonstrate and explain how to handle 1058
ammunition in a safe manner; 1059

(c) The ability to demonstrate the knowledge, skills, and 1060
attitude necessary to shoot a handgun in a safe manner; 1061

(d) Gun handling training; 1062

(e) A minimum of two hours of in-person training that 1063
consists of range time and live-fire training. 1064

(2) To satisfactorily complete the course, class, or 1065
program described in division (B) (3) (a), (b), (c), or (e) of 1066
this section, the applicant shall pass a competency examination 1067

that shall include both of the following: 1068

(a) A written section, provided as described in division 1069
(G) (3) of this section, on the ability to name and explain the 1070
rules for the safe handling of a handgun and proper storage 1071
practices for handguns and ammunition; 1072

(b) An in-person physical demonstration of competence in 1073
the use of a handgun and in the rules for safe handling and 1074
storage of a handgun and a physical demonstration of the 1075
attitude necessary to shoot a handgun in a safe manner. 1076

(3) (a) Except as otherwise provided in this division, the 1077
training specified in division (G) (1) (a) of this section shall 1078
be provided to the person receiving the training in person by an 1079
instructor. If the training specified in division (G) (1) (a) of 1080
this section is provided by a course, class, or program 1081
described in division (B) (3) (a) of this section, or it is 1082
provided by a course, class, or program described in division 1083
(B) (3) (b), (c), or (e) of this section and the instructor is a 1084
qualified instructor certified by a national gun advocacy 1085
organization, the training so specified, other than the training 1086
that requires the person receiving the training to demonstrate 1087
handling abilities, may be provided online or as a combination 1088
of in-person and online training, as long as the online training 1089
includes an interactive component that regularly engages the 1090
person. 1091

(b) Except as otherwise provided in this division, the 1092
written section of the competency examination specified in 1093
division (G) (2) (a) of this section shall be administered to the 1094
person taking the competency examination in person by an 1095
instructor. If the training specified in division (G) (1) (a) of 1096
this section is provided to the person receiving the training by 1097

a course, class, or program described in division (B) (3) (a) of 1098
this section, or it is provided by a course, class, or program 1099
described in division (B) (3) (b), (c), or (e) of this section and 1100
the instructor is a qualified instructor certified by a national 1101
gun advocacy organization, the written section of the competency 1102
examination specified in division (G) (2) (a) of this section may 1103
be administered online, as long as the online training includes 1104
an interactive component that regularly engages the person. 1105

(4) The competency certification described in division (B) 1106
(3) (a), (b), (c), or (e) of this section shall be dated and 1107
shall attest that the course, class, or program the applicant 1108
successfully completed met the requirements described in 1109
division (G) (1) of this section and that the applicant passed 1110
the competency examination described in division (G) (2) of this 1111
section. 1112

(H) Upon deciding to issue a concealed handgun license, 1113
deciding to issue a replacement concealed handgun license, or 1114
deciding to renew a concealed handgun license pursuant to this 1115
section, and before actually issuing or renewing the license, 1116
the sheriff shall make available through the law enforcement 1117
automated data system all information contained on the license. 1118
If the license subsequently is suspended under division (A) (1) 1119
or (2) of section 2923.128 of the Revised Code, revoked pursuant 1120
to division (B) (1) of section 2923.128 of the Revised Code, or 1121
lost or destroyed, the sheriff also shall make available through 1122
the law enforcement automated data system a notation of that 1123
fact. The superintendent of the state highway patrol shall 1124
ensure that the law enforcement automated data system is so 1125
configured as to permit the transmission through the system of 1126
the information specified in this division. 1127

(I) (1) A sheriff shall accept a completed application form 1128
or renewal application, and the fee, items, materials, and 1129
information specified in divisions (B) (1) to (5) or division (F) 1130
of this section, whichever is applicable, and shall provide an 1131
application form or renewal application to any person during at 1132
least fifteen hours a week and shall provide the web site 1133
address at which a printable version of the application form 1134
that can be downloaded and the pamphlet described in division 1135
(B) of section 109.731 of the Revised Code may be found at any 1136
time, upon request. The sheriff shall post notice of the hours 1137
during which the sheriff is available to accept or provide the 1138
information described in this division. 1139

(2) A sheriff shall transmit a notice to the attorney 1140
general, in a manner determined by the attorney general, every 1141
time a license is issued that waived payment under division (B) 1142
(1) (c) of this section for an applicant who is an active or 1143
reserve member of the armed forces of the United States or has 1144
retired from or was honorably discharged from military service 1145
in the active or reserve armed forces of the United States. The 1146
attorney general shall monitor and inform sheriffs issuing 1147
licenses under this section when the amount of license fee 1148
payments waived and transmitted to the attorney general reach 1149
one million five hundred thousand dollars each year. Once a 1150
sheriff is informed that the payments waived reached one million 1151
five hundred thousand dollars in any year, a sheriff shall no 1152
longer waive payment of a license fee for an applicant who is an 1153
active or reserve member of the armed forces of the United 1154
States or has retired from or was honorably discharged from 1155
military service in the active or reserve armed forces of the 1156
United States for the remainder of that year. 1157

Sec. 2923.128. (A) (1) (a) If a licensee holding a valid 1158

concealed handgun license is arrested for or otherwise charged 1159
with an offense described in division (D) (1) (d) of section 1160
2923.125 of the Revised Code or with a violation of section 1161
2923.15 of the Revised Code or becomes subject to a temporary 1162
protection order or to a protection order issued by a court of 1163
another state that is substantially equivalent to a temporary 1164
protection order, the sheriff who issued the license shall 1165
suspend it and shall comply with division (A) (3) of this section 1166
upon becoming aware of the arrest, charge, or protection order. 1167
Upon suspending the license, the sheriff also shall comply with 1168
division (H) of section 2923.125 of the Revised Code. 1169

(b) A suspension under division (A) (1) (a) of this section 1170
shall be considered as beginning on the date that the licensee 1171
is arrested for or otherwise charged with an offense described 1172
in that division or on the date the appropriate court issued the 1173
protection order described in that division, irrespective of 1174
when the sheriff notifies the licensee under division (A) (3) of 1175
this section. The suspension shall end on the date on which the 1176
charges are dismissed or the licensee is found not guilty of the 1177
offense described in division (A) (1) (a) of this section or, 1178
subject to division (B) of this section, on the date the 1179
appropriate court terminates the protection order described in 1180
that division. If the suspension so ends, the sheriff shall 1181
return the license or temporary emergency license to the 1182
licensee. 1183

(2) (a) If a licensee holding a valid concealed handgun 1184
license is convicted of or pleads guilty to a misdemeanor 1185
violation of division (B) (1), (2), or (4) of section 2923.12 of 1186
the Revised Code or of division (E) (1), (2), (3), or (5) of 1187
section 2923.16 of the Revised Code, except as provided in 1188
division (A) (2) (c) of this section and subject to division (C) 1189

of this section, the sheriff who issued the license shall 1190
suspend it and shall comply with division (A) (3) of this section 1191
upon becoming aware of the conviction or guilty plea. Upon 1192
suspending the license, the sheriff also shall comply with 1193
division (H) of section 2923.125 of the Revised Code. 1194

(b) A suspension under division (A) (2) (a) of this section 1195
shall be considered as beginning on the date that the licensee 1196
is convicted of or pleads guilty to the offense described in 1197
that division, irrespective of when the sheriff notifies the 1198
licensee under division (A) (3) of this section. If the 1199
suspension is imposed for a misdemeanor violation of division 1200
(B) (1) or (2) of section 2923.12 of the Revised Code or of 1201
division (E) (1), (2), or (3) of section 2923.16 of the Revised 1202
Code, it shall end on the date that is one year after the date 1203
that the licensee is convicted of or pleads guilty to that 1204
violation. If the suspension is imposed for a misdemeanor 1205
violation of division (B) (4) of section 2923.12 of the Revised 1206
Code or of division (E) (5) of section 2923.16 of the Revised 1207
Code, it shall end on the date that is two years after the date 1208
that the licensee is convicted of or pleads guilty to that 1209
violation. If the licensee's license was issued under section 1210
2923.125 of the Revised Code and the license remains valid after 1211
the suspension ends as described in this division, when the 1212
suspension ends, the sheriff shall return the license to the 1213
licensee. If the licensee's license was issued under section 1214
2923.125 of the Revised Code and the license expires before the 1215
suspension ends as described in this division, or if the 1216
licensee's license was issued under section 2923.1213 of the 1217
Revised Code, the licensee is not eligible to apply for a new 1218
license under section 2923.125 or 2923.1213 of the Revised Code 1219
or to renew the license under section 2923.125 of the Revised 1220

Code until after the suspension ends as described in this 1221
division. 1222

(c) The license of a licensee who is convicted of or 1223
pleads guilty to a violation of division (B)(1) of section 1224
2923.12 or division (E)(1) or (2) of section 2923.16 of the 1225
Revised Code shall not be suspended pursuant to division (A)(2) 1226
(a) of this section if, at the time of the stop of the licensee 1227
for a law enforcement purpose, for a traffic stop, or for a 1228
purpose defined in section 5503.34 of the Revised Code that was 1229
the basis of the violation, any law enforcement officer involved 1230
with the stop or the employee of the motor carrier enforcement 1231
unit who made the stop had actual knowledge of the licensee's 1232
status as a licensee. 1233

(3) Upon becoming aware of an arrest, charge, or 1234
protection order described in division (A)(1)(a) of this section 1235
with respect to a licensee who was issued a concealed handgun 1236
license, or a conviction of or plea of guilty to a misdemeanor 1237
offense described in division (A)(2)(a) of this section with 1238
respect to a licensee who was issued a concealed handgun license 1239
and with respect to which division (A)(2)(c) of this section 1240
does not apply, subject to division (C) of this section, the 1241
sheriff who issued the licensee's license shall notify the 1242
licensee, by certified mail, return receipt requested, at the 1243
licensee's last known residence address that the license has 1244
been suspended and that the licensee is required to surrender 1245
the license at the sheriff's office within ten days of the date 1246
on which the notice was mailed. If the suspension is pursuant to 1247
division (A)(2) of this section, the notice shall identify the 1248
date on which the suspension ends. 1249

(B)(1) A sheriff who issues a concealed handgun license to 1250

a licensee shall revoke the license in accordance with division 1251
(B) (2) of this section upon becoming aware that the licensee 1252
satisfies any of the following: 1253

(a) The licensee is under twenty-one years of age. 1254

(b) Subject to division (C) of this section, at the time 1255
of the issuance of the license, the licensee did not satisfy the 1256
eligibility requirements of division (D) (1) (c), (d), (e), (f), 1257
(g), or (h) of section 2923.125 of the Revised Code. 1258

(c) Subject to division (C) of this section, on or after 1259
the date on which the license was issued, the licensee is 1260
convicted of or pleads guilty to a violation of section 2923.15 1261
of the Revised Code or an offense described in division (D) (1) 1262
(e), (f), (g), or (h) of section 2923.125 of the Revised Code. 1263

(d) On or after the date on which the license was issued, 1264
the licensee becomes subject to an extreme risk protection order 1265
issued under sections 2923.26 to 2923.30 of the Revised Code, a 1266
civil protection order, or to a protection order issued by a 1267
court of another state that is substantially equivalent to a 1268
civil protection order. 1269

(e) The licensee knowingly carries a concealed handgun 1270
into a place that the licensee knows is an unauthorized place 1271
specified in division (B) of section 2923.126 of the Revised 1272
Code. 1273

(f) On or after the date on which the license was issued, 1274
the licensee is adjudicated as a mental defective or is 1275
committed to a mental institution. 1276

(g) At the time of the issuance of the license, the 1277
licensee did not meet the residency requirements described in 1278
division (D) (1) of section 2923.125 of the Revised Code and 1279

currently does not meet the residency requirements described in 1280
that division. 1281

(h) Regarding a license issued under section 2923.125 of 1282
the Revised Code, the competency certificate the licensee 1283
submitted was forged or otherwise was fraudulent. 1284

(2) Upon becoming aware of any circumstance listed in 1285
division (B) (1) of this section that applies to a particular 1286
licensee who was issued a concealed handgun license, subject to 1287
division (C) of this section, the sheriff who issued the license 1288
to the licensee shall notify the licensee, by certified mail, 1289
return receipt requested, at the licensee's last known residence 1290
address that the license is subject to revocation and that the 1291
licensee may come to the sheriff's office and contest the 1292
sheriff's proposed revocation within fourteen days of the date 1293
on which the notice was mailed. After the fourteen-day period 1294
and after consideration of any information that the licensee 1295
provides during that period, if the sheriff determines on the 1296
basis of the information of which the sheriff is aware that the 1297
licensee is described in division (B) (1) of this section and no 1298
longer satisfies the requirements described in division (D) (1) 1299
of section 2923.125 of the Revised Code that are applicable to 1300
the licensee's type of license, the sheriff shall revoke the 1301
license, notify the licensee of that fact, and require the 1302
licensee to surrender the license. Upon revoking the license, 1303
the sheriff also shall comply with division (H) of section 1304
2923.125 of the Revised Code. 1305

(C) If a sheriff who issues a concealed handgun license to 1306
a licensee becomes aware that at the time of the issuance of the 1307
license the licensee had been convicted of or pleaded guilty to 1308
an offense identified in division (D) (1) (e), (f), or (h) of 1309

section 2923.125 of the Revised Code or had been adjudicated a delinquent child for committing an act or violation identified in any of those divisions or becomes aware that on or after the date on which the license was issued the licensee has been convicted of or pleaded guilty to an offense identified in division (A)(2)(a) or (B)(1)(c) of this section, the sheriff shall not consider that conviction, guilty plea, or adjudication as having occurred for purposes of divisions (A)(2), (A)(3), (B)(1), and (B)(2) of this section if a court has ordered the sealing or expungement of the records of that conviction, guilty plea, or adjudication pursuant to sections 2151.355 to 2151.358 or sections 2953.31 to 2953.36 of the Revised Code or the licensee has been relieved under operation of law or legal process from the disability imposed pursuant to section 2923.13 of the Revised Code relative to that conviction, guilty plea, or adjudication.

(D) As used in this section, "motor carrier enforcement unit" has the same meaning as in section 2923.16 of the Revised Code.

Sec. 2923.1213. (A) As used in this section:

(1) "Evidence of imminent danger" means any of the following:

(a) A statement sworn by the person seeking to carry a concealed handgun that is made under threat of perjury and that states that the person has reasonable cause to fear a criminal attack upon the person or a member of the person's family, such as would justify a prudent person in going armed;

(b) A written document prepared by a governmental entity or public official describing the facts that give the person

seeking to carry a concealed handgun reasonable cause to fear a 1339
criminal attack upon the person or a member of the person's 1340
family, such as would justify a prudent person in going armed. 1341
Written documents of this nature include, but are not limited 1342
to, any temporary protection order, civil protection order, 1343
protection order issued by another state, or other court order, 1344
any court report, and any report filed with or made by a law 1345
enforcement agency or prosecutor. 1346

(2) "Prosecutor" has the same meaning as in section 1347
2935.01 of the Revised Code. 1348

(B) (1) A person seeking a concealed handgun license on a 1349
temporary emergency basis shall submit to the sheriff of the 1350
county in which the person resides or, if the person usually 1351
resides in another state, to the sheriff of the county in which 1352
the person is temporarily staying, all of the following: 1353

(a) Evidence of imminent danger to the person or a member 1354
of the person's family; 1355

(b) A sworn affidavit that contains all of the information 1356
required to be on the license and attesting that the person is 1357
legally living in the United States; is at least twenty-one 1358
years of age; is not a fugitive from justice; is not under 1359
indictment for or otherwise charged with an offense identified 1360
in division (D) (1) (d) of section 2923.125 of the Revised Code; 1361
has not been convicted of or pleaded guilty to an offense, and 1362
has not been adjudicated a delinquent child for committing an 1363
act, identified in division (D) (1) (e) of that section and to 1364
which division (B) (3) of this section does not apply; within 1365
three years of the date of the submission, has not been 1366
convicted of or pleaded guilty to an offense, and has not been 1367
adjudicated a delinquent child for committing an act, identified 1368

in division (D) (1) (f) of that section and to which division (B) 1369
(3) of this section does not apply; within five years of the 1370
date of the submission, has not been convicted of, pleaded 1371
guilty, or adjudicated a delinquent child for committing two or 1372
more violations identified in division (D) (1) (g) of that 1373
section; within ten years of the date of the submission, has not 1374
been convicted of, pleaded guilty, or adjudicated a delinquent 1375
child for committing a violation identified in division (D) (1) 1376
(h) of that section and to which division (B) (3) of this section 1377
does not apply; has not been adjudicated as a mental defective, 1378
has not been committed to any mental institution, is not under 1379
adjudication of mental incompetence, has not been found by a 1380
court to be a mentally ill person subject to court order, and is 1381
not an involuntary patient other than one who is a patient only 1382
for purposes of observation, as described in division (D) (1) (i) 1383
of that section; is not currently subject to a civil protection 1384
order, a temporary protection order, an extreme risk protection 1385
order issued under sections 2923.26 to 2923.30 of the Revised 1386
Code, or a protection order issued by a court of another state, 1387
as described in division (D) (1) (j) of that section; is not 1388
currently subject to a suspension imposed under division (A) (2) 1389
of section 2923.128 of the Revised Code of a concealed handgun 1390
license that previously was issued to the person or a similar 1391
suspension imposed by another state regarding a concealed 1392
handgun license issued by that state; is not an unlawful user of 1393
or addicted to any controlled substance as defined in 21 U.S.C. 1394
802; if applicable, is an alien and has not been admitted to the 1395
United States under a nonimmigrant visa, as defined in the 1396
"Immigration and Nationality Act," 8 U.S.C. 1101(a) (26); has not 1397
been discharged from the armed forces of the United States under 1398
dishonorable conditions; if applicable, has not renounced the 1399
applicant's United States citizenship; and has not been 1400

convicted of, pleaded guilty to, or been adjudicated a 1401
delinquent child for committing a violation identified in 1402
division (D) (1) (s) of section 2923.125 of the Revised Code; 1403

(c) A nonrefundable temporary emergency license fee as 1404
described in either of the following: 1405

(i) For an applicant who has been a resident of this state 1406
for five or more years, a fee of fifteen dollars plus the actual 1407
cost of having a background check performed by the bureau of 1408
criminal identification and investigation pursuant to section 1409
311.41 of the Revised Code; 1410

(ii) For an applicant who has been a resident of this 1411
state for less than five years or who is not a resident of this 1412
state, but is temporarily staying in this state, a fee of 1413
fifteen dollars plus the actual cost of having background checks 1414
performed by the federal bureau of investigation and the bureau 1415
of criminal identification and investigation pursuant to section 1416
311.41 of the Revised Code. 1417

(d) A set of fingerprints of the applicant provided as 1418
described in section 311.41 of the Revised Code through use of 1419
an electronic fingerprint reading device or, if the sheriff to 1420
whom the application is submitted does not possess and does not 1421
have ready access to the use of an electronic fingerprint 1422
reading device, on a standard impression sheet prescribed 1423
pursuant to division (C) (2) of section 109.572 of the Revised 1424
Code. If the fingerprints are provided on a standard impression 1425
sheet, the person also shall provide the person's social 1426
security number to the sheriff. 1427

(2) A sheriff shall accept the evidence of imminent 1428
danger, the sworn affidavit, the fee, and the set of 1429

fingerprints required under division (B) (1) of this section at 1430
the times and in the manners described in division (I) of this 1431
section. Upon receipt of the evidence of imminent danger, the 1432
sworn affidavit, the fee, and the set of fingerprints required 1433
under division (B) (1) of this section, the sheriff, in the 1434
manner specified in section 311.41 of the Revised Code, 1435
immediately shall conduct or cause to be conducted the criminal 1436
records check and the incompetency records check described in 1437
section 311.41 of the Revised Code. Immediately upon receipt of 1438
the results of the records checks, the sheriff shall review the 1439
information and shall determine whether the criteria set forth 1440
in divisions (D) (1) (a) to (j) and (m) to (s) of section 2923.125 1441
of the Revised Code apply regarding the person. If the sheriff 1442
determines that all of the criteria set forth in divisions (D) 1443
(1) (a) to (j) and (m) to (s) of section 2923.125 of the Revised 1444
Code apply regarding the person, the sheriff shall immediately 1445
make available through the law enforcement automated data system 1446
all information that will be contained on the temporary 1447
emergency license for the person if one is issued, and the 1448
superintendent of the state highway patrol shall ensure that the 1449
system is so configured as to permit the transmission through 1450
the system of that information. Upon making that information 1451
available through the law enforcement automated data system, the 1452
sheriff shall immediately issue to the person a concealed 1453
handgun license on a temporary emergency basis. 1454

If the sheriff denies the issuance of a license on a 1455
temporary emergency basis to the person, the sheriff shall 1456
specify the grounds for the denial in a written notice to the 1457
person. The person may appeal the denial, or challenge criminal 1458
records check results that were the basis of the denial if 1459
applicable, in the same manners specified in division (D) (2) of 1460

section 2923.125 and in section 2923.127 of the Revised Code, 1461
regarding the denial of an application for a concealed handgun 1462
license under that section. 1463

The license on a temporary emergency basis issued under 1464
this division shall be in the form, and shall include all of the 1465
information, described in divisions (A) (2) (a) and (d) of section 1466
109.731 of the Revised Code, and also shall include a unique 1467
combination of identifying letters and numbers in accordance 1468
with division (A) (2) (c) of that section. 1469

The license on a temporary emergency basis issued under 1470
this division is valid for ninety days and may not be renewed. A 1471
person who has been issued a license on a temporary emergency 1472
basis under this division shall not be issued another license on 1473
a temporary emergency basis unless at least four years has 1474
expired since the issuance of the prior license on a temporary 1475
emergency basis. 1476

(3) If a person seeking a concealed handgun license on a 1477
temporary emergency basis has been convicted of or pleaded 1478
guilty to an offense identified in division (D) (1) (e), (f), or 1479
(h) of section 2923.125 of the Revised Code or has been 1480
adjudicated a delinquent child for committing an act or 1481
violation identified in any of those divisions, and if a court 1482
has ordered the sealing or expungement of the records of that 1483
conviction, guilty plea, or adjudication pursuant to sections 1484
2151.355 to 2151.358 or sections 2953.31 to 2953.36 of the 1485
Revised Code or the applicant has been relieved under operation 1486
of law or legal process from the disability imposed pursuant to 1487
section 2923.13 of the Revised Code relative to that conviction, 1488
guilty plea, or adjudication, the conviction, guilty plea, or 1489
adjudication shall not be relevant for purposes of the sworn 1490

affidavit described in division (B)(1)(b) of this section, and 1491
the person may complete, and swear to the truth of, the 1492
affidavit as if the conviction, guilty plea, or adjudication 1493
never had occurred. 1494

(4) The sheriff shall waive the payment pursuant to 1495
division (B)(1)(c) of this section of the license fee in 1496
connection with an application that is submitted by an applicant 1497
who is a retired peace officer, a retired person described in 1498
division (B)(1)(b) of section 109.77 of the Revised Code, or a 1499
retired federal law enforcement officer who, prior to 1500
retirement, was authorized under federal law to carry a firearm 1501
in the course of duty, unless the retired peace officer, person, 1502
or federal law enforcement officer retired as the result of a 1503
mental disability. 1504

The sheriff shall deposit all fees paid by an applicant 1505
under division (B)(1)(c) of this section into the sheriff's 1506
concealed handgun license issuance fund established pursuant to 1507
section 311.42 of the Revised Code. 1508

(C) A person who holds a concealed handgun license on a 1509
temporary emergency basis has the same right to carry a 1510
concealed handgun as a person who was issued a concealed handgun 1511
license under section 2923.125 of the Revised Code, and any 1512
exceptions to the prohibitions contained in section 1547.69 and 1513
sections 2923.12 to 2923.16 of the Revised Code for a licensee 1514
under section 2923.125 of the Revised Code apply to a licensee 1515
under this section. The person is subject to the same 1516
restrictions, and to all other procedures, duties, and 1517
sanctions, that apply to a person who carries a license issued 1518
under section 2923.125 of the Revised Code, other than the 1519
license renewal procedures set forth in that section. 1520

(D) A sheriff who issues a concealed handgun license on a temporary emergency basis under this section shall not require a person seeking to carry a concealed handgun in accordance with this section to submit a competency certificate as a prerequisite for issuing the license and shall comply with division (H) of section 2923.125 of the Revised Code in regards to the license. The sheriff shall suspend or revoke the license in accordance with section 2923.128 of the Revised Code. In addition to the suspension or revocation procedures set forth in section 2923.128 of the Revised Code, the sheriff may revoke the license upon receiving information, verifiable by public documents, that the person is not eligible to possess a firearm under either the laws of this state or of the United States or that the person committed perjury in obtaining the license; if the sheriff revokes a license under this additional authority, the sheriff shall notify the person, by certified mail, return receipt requested, at the person's last known residence address that the license has been revoked and that the person is required to surrender the license at the sheriff's office within ten days of the date on which the notice was mailed. Division (H) of section 2923.125 of the Revised Code applies regarding any suspension or revocation of a concealed handgun license on a temporary emergency basis.

(E) A sheriff who issues a concealed handgun license on a temporary emergency basis under this section shall retain, for the entire period during which the license is in effect, the evidence of imminent danger that the person submitted to the sheriff and that was the basis for the license, or a copy of that evidence, as appropriate.

(F) If a concealed handgun license on a temporary emergency basis issued under this section is lost or is

destroyed, the licensee may obtain from the sheriff who issued 1552
that license a duplicate license upon the payment of a fee of 1553
fifteen dollars and the submission of an affidavit attesting to 1554
the loss or destruction of the license. The sheriff, in 1555
accordance with the procedures prescribed in section 109.731 of 1556
the Revised Code, shall place on the replacement license a 1557
combination of identifying numbers different from the 1558
combination on the license that is being replaced. 1559

(G) The attorney general shall prescribe, and shall make 1560
available to sheriffs, a standard form to be used under division 1561
(B) of this section by a person who applies for a concealed 1562
handgun license on a temporary emergency basis on the basis of 1563
imminent danger of a type described in division (A) (1) (a) of 1564
this section. The attorney general shall design the form to 1565
enable applicants to provide the information that is required by 1566
law to be collected, and shall update the form as necessary. 1567
Burdens or restrictions to obtaining a concealed handgun license 1568
that are not expressly prescribed in law shall not be 1569
incorporated into the form. The attorney general shall post a 1570
printable version of the form on the web site of the attorney 1571
general and shall provide the address of the web site to any 1572
person who requests the form. 1573

(H) A sheriff who receives any fees paid by a person under 1574
this section shall deposit all fees so paid into the sheriff's 1575
concealed handgun license issuance expense fund established 1576
under section 311.42 of the Revised Code. 1577

(I) A sheriff shall accept evidence of imminent danger, a 1578
sworn affidavit, the fee, and the set of fingerprints specified 1579
in division (B) (1) of this section at any time during normal 1580
business hours. In no case shall a sheriff require an 1581

appointment, or designate a specific period of time, for the 1582
submission or acceptance of evidence of imminent danger, a sworn 1583
affidavit, the fee, and the set of fingerprints specified in 1584
division (B) (1) of this section, or for the provision to any 1585
person of a standard form to be used for a person to apply for a 1586
concealed handgun license on a temporary emergency basis. 1587

Sec. 2923.13. (A) Unless relieved from disability under 1588
operation of law or legal process, no person shall knowingly 1589
acquire, have, carry, or use any firearm or dangerous ordnance, 1590
if any of the following apply: 1591

(1) The person is a fugitive from justice. 1592

(2) The person is under indictment for or has been 1593
convicted of any felony offense of violence or has been 1594
adjudicated a delinquent child for the commission of an offense 1595
that, if committed by an adult, would have been a felony offense 1596
of violence. 1597

(3) The person is under indictment for or has been 1598
convicted of any felony offense involving the illegal 1599
possession, use, sale, administration, distribution, or 1600
trafficking in any drug of abuse or has been adjudicated a 1601
delinquent child for the commission of an offense that, if 1602
committed by an adult, would have been a felony offense 1603
involving the illegal possession, use, sale, administration, 1604
distribution, or trafficking in any drug of abuse. 1605

(4) The person is drug dependent, in danger of drug 1606
dependence, or a chronic alcoholic. 1607

(5) The person is under adjudication of mental 1608
incompetence, has been adjudicated as a mental defective, has 1609
been committed to a mental institution, has been found by a 1610

court to be a mentally ill person subject to court order, or is 1611
an involuntary patient other than one who is a patient only for 1612
purposes of observation. ~~As used in this division, "mentally ill-~~ 1613
~~person subject to court order" and "patient" have the same-~~ 1614
~~meanings as in section 5122.01 of the Revised Code.~~ 1615

(6) The person has been found guilty of having a firearm 1616
while under extreme risk protection order disability, and is 1617
prohibited from acquiring, having, carrying, or using a firearm 1618
under section 2923.99 of the Revised Code. 1619

(B) Whoever violates this section is guilty of having 1620
weapons while under disability, a felony of the third degree. 1621

(C) For the purposes of this section, ~~"under:~~ 1622

(1) "Under operation of law or legal process" shall not 1623
itself include mere completion, termination, or expiration of a 1624
sentence imposed as a result of a criminal conviction. 1625

(2) "Mentally ill person subject to court order" and 1626
"patient" have the same meanings as in section 5122.01 of the 1627
Revised Code. 1628

Sec. 2923.26. (A) As used in this section and sections 1629
2923.27 to 2923.30 of the Revised Code: 1630

(1) "Extreme risk protection order" means a final order or 1631
an ex parte temporary order granted under section 2923.26 or 1632
2923.27 of the Revised Code, respectively. 1633

(2) "Family or household member" means, with respect to a 1634
respondent, any of the following: 1635

(a) A person related by blood, marriage, or adoption to 1636
the respondent; 1637

- (b) A person in a dating relationship with the respondent; 1638
- (c) A person who has a child in common with the 1639
respondent, regardless of whether the person has been married to 1640
the respondent or has lived together with the respondent at any 1641
time; 1642
- (d) A person who resides with the respondent or who has 1643
resided with the respondent within the past year; 1644
- (e) A person who has a biological or legal parent-child 1645
relationship with the respondent, including a stepparent, 1646
stepchild, grandparent, and grandchild of the respondent; 1647
- (f) A person who is acting or has acted as the 1648
respondent's legal guardian. 1649
- (3) "Judicial day" means a day on which a court is open. 1650
- ~~"Judicial day" means a day on which a court is open.~~ 1651
- (4) "Law enforcement agency" means a municipal or township 1652
police department, a county sheriff's office, or the state 1653
highway patrol. 1654
- (5) "Law enforcement officer" means a sheriff, deputy 1655
sheriff, constable, police officer of a township or joint police 1656
district, municipal police officer, or state highway patrol 1657
trooper. 1658
- (6) "Petitioner" means the person who petitions for an 1659
extreme risk protection order. 1660
- ~~"Petitioner" means the person who petitions for an extreme~~ 1661
~~risk protection order.~~ 1662
- (7) "Respondent" means the person who is identified as the 1663
subject of a petition for an extreme risk protection order. 1664

(B) Any of the following persons may seek relief under sections 2923.26 to 2923.30 of the Revised Code by filing a petition for an extreme risk protection order in the court of common pleas in the county where the petitioner resides or in the county where the respondent resides: 1665
1666
1667
1668
1669

(1) A family or household member of the respondent; 1670

(2) A law enforcement officer or law enforcement agency. 1671

(C) A petition for an extreme risk protection order shall include all of the following: 1672
1673

(1) An allegation that the respondent poses a significant danger of causing personal injury to self or others by having in the respondent's custody or control, purchasing, possessing, or receiving a firearm, accompanied by an affidavit made under oath stating the specific statements, actions, or facts that give rise to a reasonable fear of future dangerous acts by the respondent; 1674
1675
1676
1677
1678
1679
1680

(2) An inventory list including the number, types, and locations of every firearm the petitioner believes to be in the respondent's ownership, possession, custody, or control; 1681
1682
1683

(3) A list of any protection order issued under section 2151.34, 2903.213, 2903.214, 2919.26, or 3113.31 of the Revised Code to which the respondent is subject and of which the petitioner is aware; 1684
1685
1686
1687

(4) A list of any pending lawsuit, complaint, petition, or other legal action between the parties. 1688
1689

(D) The court shall verify the terms of any existing order governing the parties but shall not delay granting relief because an action is pending between the parties. A petition for 1690
1691
1692

an extreme risk protection order may be granted whether or not 1693
an action between the parties is pending. 1694

(E) If the petitioner is a law enforcement officer or 1695
agency, the petitioner shall make a good faith effort to provide 1696
notice to a family or household member or third party who may be 1697
at risk of violence. The notice shall state that the petitioner 1698
intends to petition the court for an extreme risk protection 1699
order or that the petitioner has already done so, and include 1700
referrals to appropriate resources, including mental health, 1701
domestic violence, and counseling resources. The petitioner 1702
shall attest in the petition to having provided this notice, or 1703
attest to the steps that will be taken to provide the notice. 1704

(F) If the petition states that disclosure of the 1705
petitioner's address would risk harm to the petitioner or any 1706
member of the petitioner's family or household, the petitioner's 1707
address may be omitted from all documents filed with the court. 1708
If the petitioner has not disclosed an address under this 1709
division, the petitioner shall designate an alternate address at 1710
which the respondent may serve notice of any motions. If the 1711
petitioner is a law enforcement officer or agency, the address 1712
of record shall be the address of the law enforcement agency. 1713

(G) The court shall not charge a fee to a petitioner for 1714
filing a petition under this section and shall not charge the 1715
petitioner for service of process. The court shall provide the 1716
necessary certified copies and forms and shall provide materials 1717
explaining the process of filing a petition for an extreme risk 1718
protection order to persons free of charge. 1719

(H) No petitioner for an extreme risk protection order 1720
shall be required to post a bond to obtain relief under this 1721
section or sections 2923.27 to 2923.30 of the Revised Code. 1722

(I) Upon receiving a petition for an extreme risk protection order filed under this section, the court shall do all of the following: 1723
1724
1725

(1) Order a hearing to be held not later than fourteen days after the date the petition is filed; 1726
1727

(2) Issue a notice of the hearing to the respondent named in the petition; 1728
1729

(3) Cause a copy of the notice of hearing and petition to be forwarded on or before the next judicial day to a local law enforcement agency for service on the respondent. 1730
1731
1732

(J) The court may do either of the following with respect to a petition for an extreme risk protection order: 1733
1734

(1) Subject to division (K) of this section, schedule a hearing by telephone pursuant to local court rule, to reasonably accommodate a disability, or, in exceptional circumstances, to protect a petitioner from potential harm; 1735
1736
1737
1738

(2) Issue an ex parte extreme risk protection order under section 2923.27 of the Revised Code. 1739
1740

(K) The court shall require assurances of the petitioner's identity before conducting a telephonic hearing under division (J)(1) of this section. 1741
1742
1743

(L) The local law enforcement agency shall personally serve the petition and notice of the hearing on the respondent not less than five judicial days prior to the hearing. If a court has issued an ex parte extreme risk protection order under section 2923.27 of the Revised Code, the local law enforcement agency shall serve the ex parte order concurrently with the notice of hearing and petition. Service issued under this 1744
1745
1746
1747
1748
1749
1750

section shall take precedence over service of other documents, 1751
unless those documents are also of an emergency nature. If the 1752
local law enforcement agency cannot serve process under this 1753
section within the time period specified, the court shall set a 1754
new hearing date and either require the local law enforcement 1755
agency to attempt personal service again or shall permit service 1756
by publication or mail as provided in division (H) of section 1757
2923.28 of the Revised Code. The court shall not require more 1758
than two attempts at obtaining personal service and shall permit 1759
service by publication or mail after two attempts unless the 1760
petitioner requests additional time to attempt personal service. 1761
If the court issues an order that permits service by publication 1762
or mail, the court shall set the hearing date not later than 1763
twenty-four days after the date the order is issued. 1764

(M) Upon hearing a petition for an extreme risk protection 1765
order, if the court finds by a preponderance of the evidence 1766
that the respondent poses a significant danger of causing 1767
personal injury to self or others by having custody or control 1768
of a firearm or the ability to purchase, possess, or receive a 1769
firearm, the court shall issue an extreme risk protection order 1770
for a period of one year. 1771

(N) In determining whether grounds for an extreme risk 1772
protection order exist, the court may do any of the following: 1773

(1) Consider any relevant evidence including any of the 1774
following: 1775

(a) A recent act or threat of violence by the respondent 1776
against the respondent or against another, whether or not the 1777
violence or threat involves a firearm; 1778

(b) A pattern of acts or threats of violence by the 1779

<u>respondent within the past twelve months, including acts or</u>	1780
<u>threats of violence by the respondent against the respondent or</u>	1781
<u>against others;</u>	1782
<u>(c) Any dangerous mental health issues of the respondent;</u>	1783
<u>(d) A violation by the respondent of any of the following:</u>	1784
<u>(i) A protection order issued or consent agreement</u>	1785
<u>approved pursuant to section 2919.26 or 3113.31 of the Revised</u>	1786
<u>Code;</u>	1787
<u>(ii) A protection order issued pursuant to section</u>	1788
<u>2151.34, 2903.213, or 2903.214 of the Revised Code;</u>	1789
<u>(iii) A protection order issued by a court of another</u>	1790
<u>state.</u>	1791
<u>(e) A previous or existing extreme risk protection order</u>	1792
<u>issued against the respondent;</u>	1793
<u>(f) A violation of a previous or existing extreme risk</u>	1794
<u>protection order issued against the respondent;</u>	1795
<u>(g) A conviction of the respondent for a violation of</u>	1796
<u>section 2919.25 of the Revised Code;</u>	1797
<u>(h) The respondent's ownership, access to, or intent to</u>	1798
<u>possess firearms;</u>	1799
<u>(i) The unlawful or reckless use, display, or brandishing</u>	1800
<u>of a firearm by the respondent;</u>	1801
<u>(j) The history of use, attempted use, or threatened use</u>	1802
<u>of physical force by the respondent against another person, or</u>	1803
<u>the respondent's history of stalking another person;</u>	1804
<u>(k) Any prior arrest of the respondent for a felony</u>	1805
<u>offense or violent crime;</u>	1806

- (l) Corroborated evidence of the abuse of controlled substances or alcohol by the respondent; 1807
1808
- (m) Evidence of recent acquisition of firearms by the respondent. 1809
1810
- (2) Examine under oath the petitioner, the respondent, and any witness called by the petitioner or respondent; 1811
1812
- (3) Ensure that a reasonable search has been conducted for criminal history records related to the respondent. 1813
1814
- (O) During a hearing for an extreme risk protection order, the court shall consider whether a mental health evaluation or chemical dependency evaluation is appropriate and may order such an evaluation if appropriate. 1815
1816
1817
1818
- (P) An extreme risk protection order issued under this section shall include all of the following: 1819
1820
- (1) A statement of the grounds supporting the order; 1821
- (2) The date and time that the order was issued; 1822
- (3) The date and time the order expires; 1823
- (4) Whether a mental health evaluation or chemical dependency evaluation of the respondent is required; 1824
1825
- (5) The address of the court in which any responsive pleading should be filed; 1826
1827
- (6) A description of the requirements for surrender of firearms under section 2923.30 of the Revised Code; 1828
1829
- (7) The following statement: 1830
- "To the subject of the protection order: 1831
- This order will last until the date and time noted above. 1832

If you have not done so already, you must surrender to the 1833
(insert name of local law enforcement agency) all firearms in 1834
your custody, control, or possession and any license to carry a 1835
concealed handgun issued to you under section 2923.125 or 1836
2923.1213 of the Revised Code. You may not have in your custody 1837
or control, purchase, possess, receive, or attempt to purchase 1838
or receive, a firearm while this order is in effect. You have 1839
the right to request one hearing to terminate this order every 1840
twelve-month period that this order is in effect, starting from 1841
the date of this order and continuing through any renewals. You 1842
may seek the advice of an attorney as to any matter connected 1843
with this order." 1844

(Q) When the court issues an extreme risk protection 1845
order, the court shall inform the respondent that the respondent 1846
is entitled to request termination of the order in the manner 1847
prescribed in section 2923.29 of the Revised Code. 1848

(R) If the court declines to issue an extreme risk 1849
protection order, the court shall state the particular reasons 1850
for denial in the court's order. 1851

(S) Sections 2923.26 to 2923.30 of the Revised Code do not 1852
affect the ability of a law enforcement officer to remove a 1853
firearm or concealed handgun license from any person or conduct 1854
any search and seizure for firearms pursuant to any other lawful 1855
authority. 1856

Sec. 2923.27. (A) A petitioner, or any person authorized 1857
to file a petition pursuant to division (B) of section 2923.26 1858
of the Revised Code, may request that an ex parte extreme risk 1859
protection order be issued before a hearing for an extreme risk 1860
protection order, without notice to the respondent, by filing an 1861
application for an ex parte extreme risk protection order in a 1862

court of common pleas, county court, or municipal court, that 1863
includes detailed allegations based on personal knowledge that 1864
the respondent poses a significant danger of causing personal 1865
injury to self or others in the near future by having custody or 1866
control of a firearm or the ability to purchase, possess, or 1867
receive a firearm. The applicant may apply for the ex parte 1868
order at the time the petition is filed, at any time prior to 1869
the day of the hearing held pursuant to division (I) of section 1870
2923.26 of the Revised Code, or prior to the filing of a 1871
petition in accordance with division (E) (2) of this section. 1872

(B) In considering whether to issue an ex parte extreme 1873
risk protection order under this section, the court that 1874
receives the application shall consider all relevant evidence, 1875
including the evidence described in division (N) (1) of section 1876
2923.26 of the Revised Code. 1877

(C) If a court finds there is reasonable cause to believe 1878
that the respondent poses a significant danger of causing 1879
personal injury to self or others in the near future by having 1880
custody or control of a firearm or the ability to purchase, 1881
possess, or receive a firearm, the court shall issue an ex parte 1882
extreme risk protection order. 1883

(D) The court shall hold an ex parte extreme risk 1884
protection order hearing in person or by telephone on the day 1885
the application is filed or on the judicial day immediately 1886
following the day the application is filed. The court shall 1887
promptly rule on the application. 1888

(E) (1) In accordance with division (I) (1) of section 1889
2923.26 of the Revised Code, regardless of whether a court of 1890
common pleas receives an application for an ex parte extreme 1891
risk protection order at the same time or after it receives a 1892

petition for an extreme risk protection order, it shall schedule 1893
a hearing on the petition to be held within fourteen days after 1894
the petition is filed. 1895

(2) A county court or municipal court that issues an ex 1896
parte extreme risk protection order shall transfer the case to 1897
the court of common pleas. If the court of common pleas has not 1898
scheduled a hearing on the petition in accordance with division 1899
(I) (1) of section 2923.26 of the Revised Code, whether because 1900
no petition for an extreme risk protection order was filed or 1901
because a petition was filed but the court had not yet scheduled 1902
the hearing on the petition, the court shall schedule the 1903
hearing on the petition to be held: 1904

(a) If a petition was filed but no hearing had yet been 1905
scheduled, within fourteen days after the filing of the 1906
petition; 1907

(b) If no petition had been filed, within fourteen days 1908
following receipt of the case. 1909

(3) If service according to division (L) of section 1910
2923.26 of the Revised Code has not yet been made, upon the 1911
issuance of the ex parte extreme risk protection order, the 1912
local law enforcement agency shall personally serve the petition 1913
and notice of the hearing and the ex parte extreme risk 1914
protection order on the respondent not less than five judicial 1915
days prior to the hearing. 1916

If service according to division (L) of section 2923.26 of 1917
the Revised Code has already been made at the time the ex parte 1918
order is issued, service shall be made the day the ex parte 1919
extreme risk protection order is issued. 1920

(F) An ex parte extreme risk protection order shall 1921

<u>include all of the following:</u>	1922
<u>(1) A statement of the grounds asserted for the order;</u>	1923
<u>(2) The date and time the order was issued;</u>	1924
<u>(3) The date and time the order expires, which shall not</u> <u>be later than the date and time of the hearing for the extreme</u> <u>risk protection order;</u>	1925 1926 1927
<u>(4) The address of the court in which any responsive</u> <u>pleading should be filed;</u>	1928 1929
<u>(5) The date and time of the scheduled hearing;</u>	1930
<u>(6) A description of the requirements for surrender of</u> <u>firearms under section 2923.30 of the Revised Code;</u>	1931 1932
<u>(7) The following statement:</u>	1933
<u>"To the subject of this protection order:</u>	1934
<u>This order is valid until the date and time noted above.</u>	1935
<u>You are required to surrender all firearms in your custody,</u>	1936
<u>control, or possession. You may not have in your custody or</u>	1937
<u>control, purchase, possess, receive, or attempt to purchase or</u>	1938
<u>receive, a firearm while this order is in effect. You must</u>	1939
<u>immediately surrender to the (insert name of local law</u>	1940
<u>enforcement agency) all firearms in your custody, control, or</u>	1941
<u>possession and any license to carry a concealed handgun issued</u>	1942
<u>to you under section 2923.125 or 2923.1213 of the Revised Code</u>	1943
<u>immediately. A hearing will be held on the date and at the time</u>	1944
<u>noted above to determine if an extreme risk protection order</u>	1945
<u>should be issued. Failure to appear at that hearing may result</u>	1946
<u>in a court making an order against you that is valid for one</u>	1947
<u>year. You may seek the advice of an attorney as to any matter</u>	1948
<u>connected with this order."</u>	1949

(G) Any ex parte extreme risk protection order issued 1950
under this section expires upon the hearing on the extreme risk 1951
protection order. 1952

(H) If the court of common pleas declines to issue an ex 1953
parte extreme risk protection order, the court shall state the 1954
particular reasons for the denial. 1955

Sec. 2923.28. (A) An extreme risk protection order issued 1956
under section 2923.26 of the Revised Code shall be personally 1957
served upon the respondent, except as otherwise provided in 1958
sections 2923.26 to 2923.30 of the Revised Code. 1959

(B) The law enforcement agency with jurisdiction over the 1960
area in which the respondent resides shall serve the respondent 1961
personally unless the petitioner elects to have the respondent 1962
served by a private party. 1963

(C) If service by the local law enforcement agency is to 1964
be used, the clerk of court shall cause a copy of the order 1965
issued under section 2923.26 of the Revised Code to be forwarded 1966
on or before the next judicial day to the local law enforcement 1967
agency specified in the order for service upon the respondent. 1968

(D) If the law enforcement agency is unable to complete 1969
service on the respondent within ten days, the law enforcement 1970
agency shall notify the petitioner. The petitioner shall provide 1971
any information necessary to allow the law enforcement agency to 1972
complete service on the respondent. 1973

(E) If an order entered by the court specifies that the 1974
respondent appeared in person before the court, further service 1975
is waived and proof of service is not necessary. 1976

(F) If the court previously entered an order allowing 1977
service of the notice and petition or an ex parte extreme risk 1978

protection order by publication or mail under division (H) of 1979
this section, or if the court finds there are now grounds to 1980
allow for that method of service, the court may permit service 1981
by publication or mail of the extreme risk protection order as 1982
provided in that division. 1983

(G) Return of service under sections 2923.26 to 2923.30 of 1984
the Revised Code shall be made in accordance with applicable 1985
rules of court. 1986

(H) The court may order service by publication or service 1987
by mail as provided by the Rules of Civil Procedure except that 1988
any summons shall contain the name of the respondent and 1989
petitioner, the date and time of the hearing, and any ex parte 1990
extreme risk protection order that has been issued against the 1991
respondent, and the following notice: 1992

"If you fail to respond, an extreme risk protection order 1993
may be issued against you pursuant to sections 2923.26 to 1994
2923.30 of the Revised Code for one year from the date you are 1995
required to appear." 1996

(I) If the court orders service by publication or mail for 1997
notice of an extreme risk protection order hearing, it shall 1998
also reissue the ex parte extreme risk protection order, if 1999
issued, to expire on the date of the extreme risk protection 2000
order hearing. 2001

(J) Following completion of service by publication or by 2002
mail for notice of an extreme risk protection order hearing, if 2003
the respondent fails to appear at the hearing, the court may 2004
issue an extreme risk protection order as provided in section 2005
2923.26 of the Revised Code. 2006

(K) The clerk of the court shall enter any extreme risk 2007

protection order or ex parte extreme risk protection order 2008
issued under sections 2923.26 to 2923.30 of the Revised Code 2009
into a statewide judicial information system on the same day 2010
such order is issued. 2011

(L) The clerk of the court shall forward a copy of an 2012
order issued under sections 2923.26 to 2923.30 of the Revised 2013
Code the same day the order is issued to the appropriate law 2014
enforcement agency specified in the order. Upon receipt of the 2015
copy of the order, the law enforcement agency shall enter the 2016
order into the national instant criminal background check 2017
system, any other federal or state computer-based systems used 2018
by law enforcement or others to identify prohibited purchasers 2019
of firearms, and any computer-based criminal intelligence 2020
information system available in this state used by law 2021
enforcement agencies to list outstanding warrants. The order 2022
shall remain in each system for the period stated in the order, 2023
and the law enforcement agency shall only remove orders from the 2024
systems that have expired or terminated. Entry into the 2025
computer-based criminal intelligence information system 2026
constitutes notice to all law enforcement agencies of the 2027
existence of the order. The order is fully enforceable in any 2028
county in the state. 2029

(M) (1) The issuing court shall, within three judicial days 2030
after issuance of an extreme risk protection order or ex parte 2031
extreme risk protection order, forward a copy of the 2032
respondent's driver's license or state identification card, or 2033
comparable information, along with the date of the order's 2034
issuance, to the sheriff that has issued a concealed handgun 2035
license to the respondent. Upon receipt of the information, the 2036
sheriff shall immediately revoke the respondent's license in 2037
accordance with division (B) of section 2923.128 of the Revised 2038

Code. 2039

(2) The court, if necessary, may apply for access to the 2040
law enforcement automated data system to identify a sheriff that 2041
has issued a concealed handgun license to a respondent. For 2042
purposes of this inquiry, the court is a criminal justice 2043
agency. 2044

(N) If an extreme risk protection order is terminated 2045
before its expiration date, the clerk of the court shall forward 2046
the same day a copy of the termination order to the appropriate 2047
law enforcement agency specified in the termination order. Upon 2048
receipt of the order, the law enforcement agency shall promptly 2049
remove the order from any computer-based system in which it was 2050
entered pursuant to division (L) of this section. 2051

Sec. 2923.29. (A) The respondent may submit one written 2052
request for a hearing to terminate an extreme risk protection 2053
order issued under sections 2923.26 to 2923.30 of the Revised 2054
Code every twelve-month period that the order is in effect, 2055
starting from the date of the order and continuing through any 2056
renewals. 2057

(1) Upon receipt of the request for a hearing to terminate 2058
an extreme risk protection order, the court shall set a date for 2059
a hearing. Notice of the request shall be served on the 2060
petitioner in accordance with the Rules of Civil Procedure. The 2061
hearing shall occur not sooner than fourteen days and not later 2062
than thirty days after the date the petitioner is served with 2063
the request. 2064

(2) The respondent shall have the burden of proving by a 2065
preponderance of the evidence that the respondent does not pose 2066
a significant danger of causing personal injury to self or 2067

others by having custody or control of a firearm or the ability 2068
to purchase, possess, or receive a firearm. The court may 2069
consider any relevant evidence, including evidence of the 2070
considerations listed in division (N) (1) of section 2923.26 of 2071
the Revised Code. 2072

(3) If the court finds after the hearing that the 2073
respondent has met the respondent's burden, the court shall 2074
terminate the order. 2075

(B) The court shall notify the petitioner of the impending 2076
expiration of an extreme risk protection order. Notice shall be 2077
received by the petitioner one hundred five calendar days before 2078
the date the order expires. 2079

(C) A family or household member of a respondent or a law 2080
enforcement officer or agency may by motion request a renewal of 2081
an extreme risk protection not sooner than one hundred five 2082
calendar days before the expiration of the order. 2083

(D) Upon receipt of a motion to renew, the court shall 2084
order that a hearing be held not later than fourteen days from 2085
the date of the motion. The court may schedule a hearing by 2086
telephone in the manner prescribed by division (J) (1) of section 2087
2923.26 of the Revised Code. The respondent shall be personally 2088
served in the same manner prescribed by divisions (I) (3) and (L) 2089
of section 2923.26 of the Revised Code. 2090

(E) In determining whether to renew an extreme risk 2091
protection order under this section, the court shall consider 2092
all relevant evidence presented by the petitioner and follow the 2093
same procedure as provided in section 2923.26 of the Revised 2094
Code. 2095

If the court finds by a preponderance of the evidence that 2096

the requirements for issuance of an extreme risk protection order as provided in section 2923.26 of the Revised Code continue to be met, the court shall renew the order. However, if, after notice, the motion for renewal is uncontested and the petitioner seeks no modification of the order, the order may be renewed on the basis of the petitioner's motion or affidavit stating that there has been no material change in relevant circumstances since entry of the order and stating the reason for the requested renewal. 2097
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(F) The renewal of an extreme risk protection order has a duration of one year, subject to termination as provided in division (A) of this section or further renewal by order of the court. 2106
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Sec. 2923.30. (A) Upon issuance of any extreme risk protection order under this chapter, including an ex parte extreme risk protection order, the court shall order the respondent to surrender to the local law enforcement agency all firearms in the respondent's custody, control, or possession and any license to carry a concealed handgun issued to the respondent under section 2923.125 or 2923.1213 of the Revised Code. 2110
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(B) The law enforcement officer serving any extreme risk protection order under sections 2923.26 to 2923.30 of the Revised Code, including an ex parte extreme risk protection order, shall request that the respondent immediately surrender all firearms in the respondent's custody, control, or possession and any license to carry a concealed handgun issued to the respondent under section 2923.125 or 2923.1213 of the Revised Code, and conduct any search permitted by law for such firearms. 2118
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(C) The law enforcement officer shall take possession of 2126

all firearms belonging to the respondent that are surrendered, 2127
in plain sight, or discovered pursuant to a lawful search. 2128
Alternatively, if personal service by a law enforcement officer 2129
is not possible, or not required because the respondent was 2130
present at the extreme risk protection order hearing, the 2131
respondent shall surrender the firearms in a safe manner to the 2132
control of the local law enforcement agency within forty-eight 2133
hours of being served with the order by alternate service or 2134
within forty-eight hours of the hearing at which the respondent 2135
was present. 2136

(D) At the time of surrender, a law enforcement officer 2137
taking possession of a firearm or concealed handgun license 2138
shall issue a receipt identifying all firearms that have been 2139
surrendered and provide a copy of the receipt to the respondent. 2140
Within seventy-two hours after service of the order, the officer 2141
serving the order shall file the original receipt with the court 2142
and shall ensure that the officer's law enforcement agency 2143
retains a copy of the receipt. 2144

(E) Upon the sworn statement or testimony of the 2145
petitioner or of any law enforcement officer alleging that the 2146
respondent has failed to comply with the surrender of firearms 2147
as required by an order issued under sections 2923.26 to 2923.30 2148
of the Revised Code, the court shall determine whether probable 2149
cause exists to believe that the respondent has failed to 2150
surrender all firearms in the respondent's possession, custody, 2151
or control. If probable cause exists, the court shall issue a 2152
warrant describing the firearms and authorizing a search of the 2153
locations where the firearms are reasonably believed to be and 2154
the seizure of any firearms discovered pursuant to such search. 2155

(F) If a person other than the respondent claims title to 2156

any firearm surrendered pursuant to this section, and the other 2157
person is determined by the law enforcement agency to be the 2158
lawful owner of the firearm, the firearm shall be returned to 2159
the other person, provided that both of the following apply: 2160

(1) The firearm is removed from the respondent's custody, 2161
control, or possession and the lawful owner agrees to store the 2162
firearm in a manner such that the respondent does not have 2163
access to or control of the firearm. 2164

(2) The lawful owner is not prohibited from possessing the 2165
firearm under state or federal law. 2166

(G) Upon the issuance of an extreme risk protection order, 2167
the court shall order a new hearing date and require the 2168
respondent to appear not later than three judicial days from the 2169
date it issues the order requiring the hearing. The court shall 2170
require a showing that the respondent has surrendered any 2171
firearms in the respondent's custody, control, or possession. 2172
The court may dismiss the hearing upon a satisfactory showing 2173
that the respondent is in compliance with the order. 2174

(H) All law enforcement agencies shall develop policies 2175
and procedures not later than six months after the effective 2176
date of this section regarding the acceptance, storage, and 2177
return of firearms required to be surrendered under sections 2178
2923.26 to 2923.30 of the Revised Code. 2179

(I) If an extreme risk protection order is terminated or 2180
expires without renewal, a law enforcement agency holding any 2181
firearm that has been surrendered pursuant to sections 2923.26 2182
to 2923.30 of the Revised Code shall return any surrendered 2183
firearm requested by a respondent only after confirming, through 2184
a background check, that the respondent is currently eligible to 2185

own or possess firearms under federal and state law and after 2186
confirming with the court that the extreme risk protection order 2187
has terminated or has expired without renewal. 2188

(J) A law enforcement agency shall, if requested by a 2189
family or household member of the respondent, provide prior 2190
notice of the return of a firearm to a respondent to that 2191
family or household member. 2192

(K) Any firearm surrendered by a respondent pursuant to 2193
this section that remains unclaimed by the lawful owner shall be 2194
disposed of in accordance with the law enforcement agency's 2195
policies and procedures for the disposal of firearms in police 2196
custody. 2197

Sec. 2923.99. (A) Except as provided in this section, 2198
sections 2923.26 to 2923.30 of the Revised Code do not impose 2199
criminal or civil liability on any person or entity for acts or 2200
omissions related to obtaining an extreme risk protection order 2201
or ex parte extreme risk protection order including for 2202
reporting, declining to report, investigating, declining to 2203
investigate, filing, or declining to file a petition under those 2204
sections. 2205

(B) (1) No person shall file a petition under sections 2206
2923.26 to 2923.30 of the Revised Code knowing the information 2207
in the petition is materially false or with intent to harass the 2208
respondent. 2209

(2) A person who violates division (B) (1) of this section 2210
is guilty of unlawful petition for an extreme risk protection 2211
order, a misdemeanor of the third degree. 2212

(C) (1) No person shall acquire, have, carry, or use any 2213
firearm with knowledge that the person is prohibited from doing 2214

so by an order issued under this section or sections 2923.26 to 2923.30 of the Revised Code. 2215
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(2) A person who violates division (C) (1) of this section is guilty of having a firearm while under extreme risk protection order disability. Except as provided in division (C) (3) of this section, having a firearm while under extreme risk protection order disability is a misdemeanor of the third degree. 2217
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(3) If a person found guilty of having a firearm while under extreme risk protection order disability has two or more previous convictions for such an offense, having a firearm while under extreme risk protection order disability is a felony of the fifth degree. 2223
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(D) In addition to the penalties prescribed in division (C) of this section, no person found guilty of having a firearm while under extreme risk protection order disability shall knowingly acquire, have, carry, or use any firearm or dangerous ordnance for a period of five years after the date the underlying extreme risk protection order expires. 2228
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Section 2. That existing sections 109.57, 2923.125, 2923.128, 2923.1213, and 2923.13 of the Revised Code are hereby repealed. 2234
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Section 3. Sections 2923.26 to 2923.30 and 2923.99 of the Revised Code, as enacted by this act, shall be known as the "Extreme Risk Protection Order Act." 2237
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Section 4. Section 2923.13 of the Revised Code is presented in this act as a composite of the section as amended by both Am. Sub. H.B. 234 and Am. Sub. S.B. 43 of the 130th General Assembly. The General Assembly, applying the principle 2240
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stated in division (B) of section 1.52 of the Revised Code that 2244
amendments are to be harmonized if reasonably capable of 2245
simultaneous operation, finds that the composite is the 2246
resulting version of the section in effect prior to the 2247
effective date of the section as presented in this act. 2248

Section 5. Section 2923.1213 of the Revised Code is 2249
presented in this act as a composite of the section as amended 2250
by both H.B. 234 and S.B. 43 of the 130th General Assembly. The 2251
General Assembly, applying the principle stated in division (B) 2252
of section 1.52 of the Revised Code that amendments are to be 2253
harmonized if reasonably capable of simultaneous operation, 2254
finds that the composite is the resulting version of the section 2255
in effect prior to the effective date of the section as 2256
presented in this act. 2257