

**As Introduced**

**133rd General Assembly**

**Regular Session**

**2019-2020**

**S. B. No. 140**

**Senator Uecker**

**Cosponsors: Senators Roegner, Huffman, M., Obhof**

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**A BILL**

To amend sections 2923.12, 2923.18, and 2923.20 of  
the Revised Code to exempt knives not used as  
weapons from the prohibition against carrying  
concealed weapons and to eliminate the  
prohibition against manufacturing, possessing  
for sale, selling, or furnishing certain weapons  
other than firearms or dangerous ordnance.

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

**Section 1.** That sections 2923.12, 2923.18, and 2923.20 of  
the Revised Code be amended to read as follows:

**Sec. 2923.12.** (A) No person shall knowingly carry or have,  
concealed on the person's person or concealed ready at hand, any  
of the following:

- (1) A deadly weapon other than a handgun;
- (2) A handgun other than a dangerous ordnance;
- (3) A dangerous ordnance.

(B) No person who has been issued a concealed handgun  
license shall do any of the following:

(1) If the person is stopped for a law enforcement purpose 18  
and is carrying a concealed handgun, fail to promptly inform any 19  
law enforcement officer who approaches the person after the 20  
person has been stopped that the person has been issued a 21  
concealed handgun license and that the person then is carrying a 22  
concealed handgun; 23

(2) If the person is stopped for a law enforcement purpose 24  
and is carrying a concealed handgun, knowingly fail to keep the 25  
person's hands in plain sight at any time after any law 26  
enforcement officer begins approaching the person while stopped 27  
and before the law enforcement officer leaves, unless the 28  
failure is pursuant to and in accordance with directions given 29  
by a law enforcement officer; 30

(3) If the person is stopped for a law enforcement 31  
purpose, if the person is carrying a concealed handgun, and if 32  
the person is approached by any law enforcement officer while 33  
stopped, knowingly remove or attempt to remove the loaded 34  
handgun from the holster, pocket, or other place in which the 35  
person is carrying it, knowingly grasp or hold the loaded 36  
handgun, or knowingly have contact with the loaded handgun by 37  
touching it with the person's hands or fingers at any time after 38  
the law enforcement officer begins approaching and before the 39  
law enforcement officer leaves, unless the person removes, 40  
attempts to remove, grasps, holds, or has contact with the 41  
loaded handgun pursuant to and in accordance with directions 42  
given by the law enforcement officer; 43

(4) If the person is stopped for a law enforcement purpose 44  
and is carrying a concealed handgun, knowingly disregard or fail 45  
to comply with any lawful order of any law enforcement officer 46  
given while the person is stopped, including, but not limited 47

to, a specific order to the person to keep the person's hands in 48  
plain sight. 49

(C) (1) This section does not apply to any of the 50  
following: 51

(a) An officer, agent, or employee of this or any other 52  
state or the United States, or to a law enforcement officer, who 53  
is authorized to carry concealed weapons or dangerous ordnance 54  
or is authorized to carry handguns and is acting within the 55  
scope of the officer's, agent's, or employee's duties; 56

(b) Any person who is employed in this state, who is 57  
authorized to carry concealed weapons or dangerous ordnance or 58  
is authorized to carry handguns, and who is subject to and in 59  
compliance with the requirements of section 109.801 of the 60  
Revised Code, unless the appointing authority of the person has 61  
expressly specified that the exemption provided in division (C) 62  
(1) (b) of this section does not apply to the person; 63

(c) A person's transportation or storage of a firearm, 64  
other than a firearm described in divisions (G) to (M) of 65  
section 2923.11 of the Revised Code, in a motor vehicle for any 66  
lawful purpose if the firearm is not on the actor's person; 67

(d) A person's storage or possession of a firearm, other 68  
than a firearm described in divisions (G) to (M) of section 69  
2923.11 of the Revised Code, in the actor's own home for any 70  
lawful purpose. 71

(2) Division (A) (2) of this section does not apply to any 72  
person who, at the time of the alleged carrying or possession of 73  
a handgun, either is carrying a valid concealed handgun license 74  
or is an active duty member of the armed forces of the United 75  
States and is carrying a valid military identification card and 76

documentation of successful completion of firearms training that 77  
meets or exceeds the training requirements described in division 78  
(G) (1) of section 2923.125 of the Revised Code, unless the 79  
person knowingly is in a place described in division (B) of 80  
section 2923.126 of the Revised Code. 81

(D) It is an affirmative defense to a charge under 82  
division (A) (1) of this section of carrying or having control of 83  
a weapon other than a handgun and other than a dangerous 84  
ordnance that the actor was not otherwise prohibited by law from 85  
having the weapon and that any of the following applies: 86

(1) The weapon was carried or kept ready at hand by the 87  
actor for defensive purposes while the actor was engaged in or 88  
was going to or from the actor's lawful business or occupation, 89  
which business or occupation was of a character or was 90  
necessarily carried on in a manner or at a time or place as to 91  
render the actor particularly susceptible to criminal attack, 92  
such as would justify a prudent person in going armed. 93

(2) The weapon was carried or kept ready at hand by the 94  
actor for defensive purposes while the actor was engaged in a 95  
lawful activity and had reasonable cause to fear a criminal 96  
attack upon the actor, a member of the actor's family, or the 97  
actor's home, such as would justify a prudent person in going 98  
armed. 99

(3) The weapon was carried or kept ready at hand by the 100  
actor for any lawful purpose and while in the actor's own home. 101

(E) No person who is charged with a violation of this 102  
section shall be required to obtain a concealed handgun license 103  
as a condition for the dismissal of the charge. 104

(F) (1) Whoever violates this section is guilty of carrying 105

concealed weapons. Except as otherwise provided in this division 106  
or divisions (F) (2), (6), and (7) of this section, carrying 107  
concealed weapons in violation of division (A) of this section 108  
is a misdemeanor of the first degree. Except as otherwise 109  
provided in this division or divisions (F) (2), (6), and (7) of 110  
this section, if the offender previously has been convicted of a 111  
violation of this section or of any offense of violence, if the 112  
weapon involved is a firearm that is either loaded or for which 113  
the offender has ammunition ready at hand, or if the weapon 114  
involved is dangerous ordnance, carrying concealed weapons in 115  
violation of division (A) of this section is a felony of the 116  
fourth degree. Except as otherwise provided in divisions (F) (2) 117  
and (6) of this section, if the offense is committed aboard an 118  
aircraft, or with purpose to carry a concealed weapon aboard an 119  
aircraft, regardless of the weapon involved, carrying concealed 120  
weapons in violation of division (A) of this section is a felony 121  
of the third degree. 122

(2) Except as provided in division (F) (6) of this section, 123  
if a person being arrested for a violation of division (A) (2) of 124  
this section promptly produces a valid concealed handgun 125  
license, and if at the time of the violation the person was not 126  
knowingly in a place described in division (B) of section 127  
2923.126 of the Revised Code, the officer shall not arrest the 128  
person for a violation of that division. If the person is not 129  
able to promptly produce any concealed handgun license and if 130  
the person is not in a place described in that section, the 131  
officer may arrest the person for a violation of that division, 132  
and the offender shall be punished as follows: 133

(a) The offender shall be guilty of a minor misdemeanor if 134  
both of the following apply: 135

(i) Within ten days after the arrest, the offender 136  
presents a concealed handgun license, which license was valid at 137  
the time of the arrest to the law enforcement agency that 138  
employs the arresting officer. 139

(ii) At the time of the arrest, the offender was not 140  
knowingly in a place described in division (B) of section 141  
2923.126 of the Revised Code. 142

(b) The offender shall be guilty of a misdemeanor and 143  
shall be fined five hundred dollars if all of the following 144  
apply: 145

(i) The offender previously had been issued a concealed 146  
handgun license, and that license expired within the two years 147  
immediately preceding the arrest. 148

(ii) Within forty-five days after the arrest, the offender 149  
presents a concealed handgun license to the law enforcement 150  
agency that employed the arresting officer, and the offender 151  
waives in writing the offender's right to a speedy trial on the 152  
charge of the violation that is provided in section 2945.71 of 153  
the Revised Code. 154

(iii) At the time of the commission of the offense, the 155  
offender was not knowingly in a place described in division (B) 156  
of section 2923.126 of the Revised Code. 157

(c) If divisions (F) (2) (a) and (b) and (F) (6) of this 158  
section do not apply, the offender shall be punished under 159  
division (F) (1) or (7) of this section. 160

(3) Except as otherwise provided in this division, 161  
carrying concealed weapons in violation of division (B) (1) of 162  
this section is a misdemeanor of the first degree, and, in 163  
addition to any other penalty or sanction imposed for a 164

violation of division (B) (1) of this section, the offender's 165  
concealed handgun license shall be suspended pursuant to 166  
division (A) (2) of section 2923.128 of the Revised Code. If, at 167  
the time of the stop of the offender for a law enforcement 168  
purpose that was the basis of the violation, any law enforcement 169  
officer involved with the stop had actual knowledge that the 170  
offender has been issued a concealed handgun license, carrying 171  
concealed weapons in violation of division (B) (1) of this 172  
section is a minor misdemeanor, and the offender's concealed 173  
handgun license shall not be suspended pursuant to division (A) 174  
(2) of section 2923.128 of the Revised Code. 175

(4) Carrying concealed weapons in violation of division 176  
(B) (2) or (4) of this section is a misdemeanor of the first 177  
degree or, if the offender previously has been convicted of or 178  
pleaded guilty to a violation of division (B) (2) or (4) of this 179  
section, a felony of the fifth degree. In addition to any other 180  
penalty or sanction imposed for a misdemeanor violation of 181  
division (B) (2) or (4) of this section, the offender's concealed 182  
handgun license shall be suspended pursuant to division (A) (2) 183  
of section 2923.128 of the Revised Code. 184

(5) Carrying concealed weapons in violation of division 185  
(B) (3) of this section is a felony of the fifth degree. 186

(6) If a person being arrested for a violation of division 187  
(A) (2) of this section is an active duty member of the armed 188  
forces of the United States and is carrying a valid military 189  
identification card and documentation of successful completion 190  
of firearms training that meets or exceeds the training 191  
requirements described in division (G) (1) of section 2923.125 of 192  
the Revised Code, and if at the time of the violation the person 193  
was not knowingly in a place described in division (B) of 194

section 2923.126 of the Revised Code, the officer shall not 195  
arrest the person for a violation of that division. If the 196  
person is not able to promptly produce a valid military 197  
identification card and documentation of successful completion 198  
of firearms training that meets or exceeds the training 199  
requirements described in division (G) (1) of section 2923.125 of 200  
the Revised Code and if the person is not in a place described 201  
in division (B) of section 2923.126 of the Revised Code, the 202  
officer shall issue a citation and the offender shall be 203  
assessed a civil penalty of not more than five hundred dollars. 204  
The citation shall be automatically dismissed and the civil 205  
penalty shall not be assessed if both of the following apply: 206

(a) Within ten days after the issuance of the citation, 207  
the offender presents a valid military identification card and 208  
documentation of successful completion of firearms training that 209  
meets or exceeds the training requirements described in division 210  
(G) (1) of section 2923.125 of the Revised Code, which were both 211  
valid at the time of the issuance of the citation to the law 212  
enforcement agency that employs the citing officer. 213

(b) At the time of the citation, the offender was not 214  
knowingly in a place described in division (B) of section 215  
2923.126 of the Revised Code. 216

(7) If a person being arrested for a violation of division 217  
(A) (2) of this section is knowingly in a place described in 218  
division (B) (5) of section 2923.126 of the Revised Code and is 219  
not authorized to carry a handgun or have a handgun concealed on 220  
the person's person or concealed ready at hand under that 221  
division, the penalty shall be as follows: 222

(a) Except as otherwise provided in this division, if the 223  
person produces a valid concealed handgun license within ten 224

days after the arrest and has not previously been convicted or 225  
pleaded guilty to a violation of division (A) (2) of this 226  
section, the person is guilty of a minor misdemeanor; 227

(b) Except as otherwise provided in this division, if the 228  
person has previously been convicted of or pleaded guilty to a 229  
violation of division (A) (2) of this section, the person is 230  
guilty of a misdemeanor of the fourth degree; 231

(c) Except as otherwise provided in this division, if the 232  
person has previously been convicted of or pleaded guilty to two 233  
violations of division (A) (2) of this section, the person is 234  
guilty of a misdemeanor of the third degree; 235

(d) Except as otherwise provided in this division, if the 236  
person has previously been convicted of or pleaded guilty to 237  
three or more violations of division (A) (2) of this section, or 238  
convicted of or pleaded guilty to any offense of violence, if 239  
the weapon involved is a firearm that is either loaded or for 240  
which the offender has ammunition ready at hand, or if the 241  
weapon involved is a dangerous ordnance, the person is guilty of 242  
a misdemeanor of the second degree. 243

(G) If a law enforcement officer stops a person to 244  
question the person regarding a possible violation of this 245  
section, for a traffic stop, or for any other law enforcement 246  
purpose, if the person surrenders a firearm to the officer, 247  
either voluntarily or pursuant to a request or demand of the 248  
officer, and if the officer does not charge the person with a 249  
violation of this section or arrest the person for any offense, 250  
the person is not otherwise prohibited by law from possessing 251  
the firearm, and the firearm is not contraband, the officer 252  
shall return the firearm to the person at the termination of the 253  
stop. If a court orders a law enforcement officer to return a 254

firearm to a person pursuant to the requirement set forth in 255  
this division, division (B) of section 2923.163 of the Revised 256  
Code applies. 257

(H) For purposes of this section, "deadly weapon" or 258  
"weapon" does not include any knife, razor, or cutting 259  
instrument if the instrument was not used as a weapon. 260

**Sec. 2923.18.** (A) Upon application to the sheriff of the 261  
county or safety director or police chief of the municipality 262  
where the applicant resides or has the applicant's principal 263  
place of business, and upon payment of the fee specified in 264  
division (B) of this section, a license or temporary permit 265  
shall be issued to qualified applicants to acquire, possess, 266  
carry, or use dangerous ordnance, for the following purposes: 267

(1) Contractors, wreckers, quarriers, mine operators, and 268  
other persons regularly employing explosives in the course of a 269  
legitimate business, with respect to explosives and explosive 270  
devices acquired, possessed, carried, or used in the course of 271  
such business; 272

(2) Farmers, with respect to explosives and explosive 273  
devices acquired, possessed, carried, or used for agricultural 274  
purposes on lands farmed by them; 275

(3) Scientists, engineers, and instructors, with respect 276  
to dangerous ordnance acquired, possessed, carried, or used in 277  
the course of bona fide research or instruction; 278

(4) Financial institution and armored car company guards, 279  
with respect to automatic firearms lawfully acquired, possessed, 280  
carried, or used by any such person while acting within the 281  
scope of the person's duties; 282

(5) In the discretion of the issuing authority, any 283

responsible person, with respect to dangerous ordnance lawfully 284  
acquired, possessed, carried, or used for a legitimate research, 285  
scientific, educational, industrial, or other proper purpose. 286

(B) Application for a license or temporary permit under 287  
this section shall be in writing under oath to the sheriff of 288  
the county or safety director or police chief of the 289  
municipality where the applicant resides or has the applicant's 290  
principal place of business. The application shall be 291  
accompanied by an application fee of fifty dollars when the 292  
application is for a license, and an application fee of five 293  
dollars when the application is for a temporary permit. The fees 294  
shall be paid into the general revenue fund of the county or 295  
municipality. The application shall contain the following 296  
information: 297

(1) The name, age, address, occupation, and business 298  
address of the applicant, if the applicant is a natural person, 299  
or the name, address, and principal place of business of the 300  
applicant, if the applicant is a corporation; 301

(2) A description of the dangerous ordnance for which a 302  
permit is requested; 303

(3) A description of the place or places where and the 304  
manner in which the dangerous ordnance is to be kept, carried, 305  
and used; 306

(4) A statement of the purposes for which the dangerous 307  
ordnance is to be acquired, possessed, carried, or used; 308

(5) Such other information, as the issuing authority may 309  
require in giving effect to this section. 310

(C) Upon investigation, the issuing authority shall issue 311  
a license or temporary permit only if all of the following 312

apply:	313
(1) The applicant is not otherwise prohibited by law from acquiring, having, carrying or using dangerous ordnance;	314 315
(2) The applicant is age twenty-one or over, if the applicant is a natural person;	316 317
(3) It appears that the applicant has sufficient competence to safely acquire, possess, carry, or use the dangerous ordnance, and that proper precautions will be taken to protect the security of the dangerous ordnance and ensure the safety of persons and property;	318 319 320 321 322
(4) It appears that the dangerous ordnance will be lawfully acquired, possessed, carried, and used by the applicant for a legitimate purpose.	323 324 325
(D) The license or temporary permit shall identify the person to whom it is issued, identify the dangerous ordnance involved and state the purposes for which the license or temporary permit is issued, state the expiration date, if any, and list such restrictions on the acquisition, possession, carriage, or use of the dangerous ordnance as the issuing authority considers advisable to protect the security of the dangerous ordnance and ensure the safety of persons and property.	326 327 328 329 330 331 332 333 334
(E) A temporary permit shall be issued for the casual use of explosives and explosive devices, and other consumable dangerous ordnance, and shall expire within thirty days of its issuance. A license shall be issued for the regular use of consumable dangerous ordnance, or for any nonconsumable dangerous ordnance, which license need not specify an expiration date, but the issuing authority may specify such expiration	335 336 337 338 339 340 341

date, not earlier than one year from the date of issuance, as it 342  
considers advisable in view of the nature of the dangerous 343  
ordnance and the purposes for which the license is issued. 344

(F) The dangerous ordnance specified in a license or 345  
temporary permit may be obtained by the holder anywhere in the 346  
state. The holder of a license may use such dangerous ordnance 347  
anywhere in the state. The holder of a temporary permit may use 348  
such dangerous ordnance only within the territorial jurisdiction 349  
of the issuing authority. 350

(G) The issuing authority shall forward to the state fire 351  
marshal a copy of each license or temporary permit issued 352  
pursuant to this section, and a copy of each record of a 353  
transaction in dangerous ordnance and of each report of lost or 354  
stolen dangerous ordnance, given to the local law enforcement 355  
authority as required by divisions (A) ~~(7)~~ (6) and ~~(8)~~ (7) of 356  
section 2923.20 of the Revised Code. The state fire marshal 357  
shall keep a permanent file of all licenses and temporary 358  
permits issued pursuant to this section, and of all records of 359  
transactions in, and losses or thefts of dangerous ordnance 360  
forwarded by local law enforcement authorities pursuant to this 361  
section. 362

**Sec. 2923.20.** (A) No person shall do any of the following: 363

(1) Recklessly sell, lend, give, or furnish any firearm to 364  
any person prohibited by section 2923.13 or 2923.15 of the 365  
Revised Code from acquiring or using any firearm, or recklessly 366  
sell, lend, give, or furnish any dangerous ordnance to any 367  
person prohibited by section 2923.13, 2923.15, or 2923.17 of the 368  
Revised Code from acquiring or using any dangerous ordnance; 369

(2) Possess any firearm or dangerous ordnance with purpose 370

to dispose of it in violation of division (A) of this section; 371

(3) Except as otherwise provided in division (B) of this 372  
section, knowingly solicit, persuade, encourage, or entice a 373  
federally licensed firearms dealer or private seller to transfer 374  
a firearm or ammunition to any person in a manner prohibited by 375  
state or federal law; 376

(4) Except as otherwise provided in division (B) of this 377  
section, with an intent to deceive, knowingly provide materially 378  
false information to a federally licensed firearms dealer or 379  
private seller; 380

(5) Except as otherwise provided in division (B) of this 381  
section, knowingly procure, solicit, persuade, encourage, or 382  
entice a person to act in violation of division (A) (3) or (4) of 383  
this section; 384

~~(6) Manufacture, possess for sale, sell, or furnish to any 385  
person other than a law enforcement agency for authorized use in 386  
police work, any brass knuckles, cestus, billy, blackjack, 387  
sandbag, switchblade knife, springblade knife, gravity knife, or 388  
similar weapon; 389~~

~~(7)~~ When transferring any dangerous ordnance to another, 390  
negligently fail to require the transferee to exhibit such 391  
identification, license, or permit showing the transferee to be 392  
authorized to acquire dangerous ordnance pursuant to section 393  
2923.17 of the Revised Code, or negligently fail to take a 394  
complete record of the transaction and forthwith forward a copy 395  
of that record to the sheriff of the county or safety director 396  
or police chief of the municipality where the transaction takes 397  
place; 398

~~(8)~~ (7) Knowingly fail to report to law enforcement 399

authorities forthwith the loss or theft of any firearm or 400  
dangerous ordnance in the person's possession or under the 401  
person's control. 402

(B) Divisions (A) (3), (4), and (5) of this section do not 403  
apply to any of the following: 404

(1) A law enforcement officer who is acting within the 405  
scope of the officer's duties; 406

(2) A person who is acting in accordance with directions 407  
given by a law enforcement officer described in division (B) (1) 408  
of this section. 409

(C) Whoever violates this section is guilty of unlawful 410  
transactions in weapons. A violation of division (A) (1) or (2) 411  
of this section is a felony of the fourth degree. A violation of 412  
division (A) (3), (4), or (5) of this section is a felony of the 413  
third degree. A violation of division (A) (6) ~~or (7)~~ of this 414  
section is a misdemeanor of the second degree. A violation of 415  
division (A) ~~(8)~~ (7) of this section is a misdemeanor of the 416  
fourth degree. 417

(D) As used in this section: 418

(1) "Ammunition" has the same meaning as in section 419  
2305.401 of the Revised Code. 420

(2) "Federally licensed firearms dealer" has the same 421  
meaning as in section 5502.63 of the Revised Code. 422

(3) "Materially false information" means information 423  
regarding the transfer of a firearm or ammunition that portrays 424  
an illegal transaction as legal or a legal transaction as 425  
illegal. 426

(4) "Private seller" means a person who sells, offers for 427

sale, or transfers a firearm or ammunition and who is not a	428
federally licensed firearms dealer.	429
<b>Section 2.</b> That existing sections 2923.12, 2923.18, and	430
2923.20 of the Revised Code are hereby repealed.	431