



# Ohio Legislative Service Commission

## Final Analysis

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### **Am. Sub. H.B. 234** 130th General Assembly (As Passed by the General Assembly)

**Reps.** Grossman and Becker, Boose, Lynch, Brenner, Hood, Beck, Hackett, Retherford, Stebelton, Thompson, Maag, C. Hagan, Burkley, Buchy, Barborak, Blessing, Cera, Hall, Hayes, Johnson, Perales, Batchelder

**Sens.** Uecker, Coley, Balderson, Burke, Eklund, Faber, Hite, Jones, Jordan, Lehner, Obhof, Patton, Peterson, Schaffer, Seitz, Widener

**Effective date:** March 23, 2015

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## ACT SUMMARY

### Reciprocity for concealed handgun licenses

- Provides that if a person is an Ohio resident and has a valid concealed handgun license from another state that has entered into a reciprocity agreement with the Attorney General, that out-of-state license will be recognized in Ohio (R.C. 109.69(A) and (B)(1) and 2923.126(D)).
- Provides that if a person who is an Ohio resident and has a valid concealed handgun license from another state and the Attorney General determines that the eligibility requirements imposed by that other state are substantially comparable to the eligibility requirements in Ohio, that out-of-state license will be recognized in Ohio (R.C. 109.69(B)(1) and 2923.126(D)).
- Requires the Attorney General to publish each determination described in the previous dot point that the Attorney General makes in the same manner as reciprocity agreements are under continuing law (R.C. 109.69(C)).
- Provides that if a person who is an Ohio resident and has a valid concealed handgun license from another state that has not entered into a reciprocity agreement with the Attorney General, that out-of-state license will be recognized in Ohio for a period of six months after the person has become a resident of Ohio (R.C. 109.69(A) and (B)(2) and 2923.126(D)).

- After the six-month period described in the preceding dot point, if the person wishes to obtain a concealed handgun license, the person must apply for an Ohio concealed handgun license (R.C. 109.69(A) and (C)(2) and 2923.126(D)).
- Provides that if a person who is not an Ohio resident and has a valid concealed handgun license from another state, regardless of whether the other state has entered into a reciprocity agreement with the Attorney General, and the person is temporarily in Ohio, that out-of-state license will be recognized in Ohio during the time that the person is temporarily in Ohio (R.C. 109.69(B)(3)).

### **Automatic firearms**

- Removes from the Weapons Law definition of "automatic firearm" any semi-automatic firearm designed or specially adapted to fire more than 31 cartridges without reloading, other than a firearm chambering only .22 caliber short, long, or long rifle cartridges (R.C. 2923.11(E)).

### **Eligibility for a concealed handgun license**

- Eliminates the requirement that an applicant be a resident of Ohio for at least 45 days and a resident of the county in which the applicant seeks the concealed handgun license, or a county adjacent to that county, for at least 30 days in order to receive or renew a concealed handgun license (R.C. 2923.125(D)(1)(a) and (4)).
- Permits a person who does not reside in Ohio to receive or renew a concealed handgun license if the person is employed in Ohio and provides adequate proof of that employment (R.C. 2923.125(B) and(D)(1)(n)).
- Allows a person who usually resides in another state to apply for a temporary emergency concealed handgun license in the county in which the person is temporarily staying (R.C. 2923.1213(B) and (F)).
- Reduces the minimum hours requirements for a firearms competency certification course from 12 to eight, requires a minimum of two hours of in-person training that consists of range time and live-fire training, and allows for a combination of in-person and online training (R.C. 2923.125(G)).
- Provides that a firearms safety, training, or requalification or firearms safety instructor course, class, or program can be offered by or under the auspices of a national gun advocacy organization, instead of specifically the National Rifle Association as provided under prior law (R.C. 2923.125(B)(3)(a) and (e)).
- Provides that a firearms safety, training, or requalification or firearms safety instructor course, class, or program can be taught by qualified instructors certified



by a national gun advocacy organization, instead of specifically certified by the National Rifle Association as provided under prior law (R.C. 2923.125(B)(3)(b)(ii)).

- Expands a provision of law that exempts a former military member from the competency certification requirement for a concealed handgun license by providing that the person be retired or discharged within the past ten years (instead of six under prior law) in order to be exempt from the certification requirement (R.C. 2923.125(B)(3)).
- Exempts from the competency certification requirement any applicant who has successfully completed the Ohio Peace Officer Training Program (R.C. 2923.125(B)(3)(g)).
- Specifies that an applicant is ineligible for a concealed handgun license if the applicant's out-of-state concealed handgun license is suspended for reasons similar to the reasons that trigger a license suspension in Ohio (R.C. 2923.125(D)(1)(m), repeal of R.C. 2923.1210 and 2923.1213(B)(1)(b)).
- Prohibits an alien who has been admitted to the United States under a nonimmigrant visa from receiving a concealed handgun license (R.C. 2923.125(D)(1)(p) and 2923.1213(B)(1)(b)).
- Requires an applicant who is not a U.S. citizen or national to provide the name of the applicant's country of citizenship and the applicant's alien registration number (R.C. 2923.11(R) and 2923.125(B)(6)).
- Requires an applicant for a concealed handgun license to certify that the applicant has not renounced the applicant's U.S. citizenship (R.C. 2923.125(D)(1)(r) and 2923.1213(B)(1)(b)).
- Makes several changes to the criminal charges and convictions that disqualify an applicant for a concealed handgun license, and specifically disqualifies an applicant for similar violations in other states (R.C. 2923.11(P) and (O), 2923.125(D)(1)(e) and (S), and 2923.1213(B)(1)(b)).
- Removes certain offenses that under prior law made an applicant ineligible for a license, including offenses relating to the regulation of business practices and misdemeanors punishable by imprisonment for two years or less (R.C. 2923.125(D)(1)(e)).
- Prohibits a license agent from considering a conviction, guilty plea, or delinquent child adjudication to a minor misdemeanor when making a determination regarding



an application, renewal, or application on a temporary basis for a concealed handgun license (R.C. 2923.125(D)(1)(e) and (h) and (D)(5)).

- Requires an applicant to certify that the applicant is not an unlawful user of or addicted to any controlled substance, as defined in federal law (R.C. 2923.125(D)(1)(o) and 2923.1213(B)(1)(b)).
- Prohibits a person who has been discharged from the U.S. armed forces under dishonorable conditions from receiving a concealed handgun license (R.C. 2923.125(D)(1)(q) and 2923.1213(B)(1)(b)).
- Provides that the Ohio concealed handgun license of a person who is no longer an Ohio resident or no longer employed in Ohio, as applicable, is valid until the expiration date of the license and the person is prohibited from renewing that license (R.C. 2923.125(F)(5)).

### **Criminal records check for concealed handgun license**

- Requires a sheriff, as part of a criminal records check, to contact the National Instant Criminal Background Check System (NICS) to verify that the applicant is eligible lawfully to receive or possess a firearm in the United States (R.C. 311.41(A)(1) and (E)(2)).

### **Concealed handgun license application forms**

- Repeals the statutory application form and instead requires the Attorney General to prescribe and make available to license agents the concealed handgun license application form (R.C. 109.731, and repeal of R.C. 2923.1210).
- Requires the Attorney General to make printable versions of the application forms to receive a concealed handgun license or a temporary emergency concealed handgun license or renew a concealed handgun license available online (R.C. 109.731, 2923.125(A) and (I), and 2923.1213).
- Requires the Attorney General to post a printable version of the application forms on the Attorney General's website and provide the address of the website to any person who requests the form (R.C. 109.731, 2923.125(A) and (I), and 2923.1213).

### **Having weapons under disability**

- Provides that relief from specified firearms disabilities may be "under operation of law or legal process," instead of only under R.C. 2923.14 (R.C. 2923.125(D)(4), 2923.128(C), 2923.1213(B)(3), and 2923.13(A)).



- Provides that "under operation of law or legal process" does not itself include mere completion, termination, or expiration of a sentence imposed as a result of a criminal conviction (R.C. 2923.13(C)).

### **Renewal grace period for certain service members**

- Establishes a six-month concealed handgun license renewal grace period for individuals who are on active duty in the armed forces or in service with the Peace Corps, the Volunteers in Service to America, or the foreign service of the United States, or is the spouse or dependent of such a person (R.C. 2923.125(F)(1)(b)).

### **Posting sign prohibiting carrying firearms or concealed firearms**

- Modifies the sanction for violating a firearms or concealed firearms ban on private land or premises posted by the owner of the private land or premises (R.C. 2923.126(C)(3)(a)).

### **Law enforcement certification**

- Allows an Ohio resident to submit to the sheriff of the county in which the resident resides or to the sheriff of any adjacent county any federal form that requires a law enforcement certification by a chief law enforcement officer (R.C. 311.43(B)).
- Requires the sheriff to accept and process that certification in the same manner as an application for a concealed handgun license, including the requirement for a background check, except that if a resident submits one or more federal forms, submits one or more federal forms and currently has a concealed handgun license, or the sheriff has previously approved a federal form for that resident, the sheriff must charge the person only one fee (R.C. 311.43(C)).
- Defines "certification" as the participation and assent of the chief law enforcement officer necessary under federal law for the approval of an application to make or transfer a firearm (R.C. 311.43(A)(1)).
- Defines "chief law enforcement officer" as any official the Bureau of Alcohol, Tobacco, Firearms, and Explosives, or any successor agency, identifies by regulation or otherwise as eligible to provide any required certification for the making or transfer of a firearm (R.C. 311.43(A)(2)).

### **Expenditure by sheriff from Concealed Handgun License Issuance Expense Fund**

- Authorizes a sheriff, under certain circumstances, to expend money from the Concealed Handgun License Issuance Expense Fund for any costs associated with a



firearm safety education program, or a firearm training or qualification program (R.C. 311.42(B)(1)).

### **Purchase of firearms in another state**

- Permits an Ohio resident to purchase a rifle, shotgun, or ammunition in any state by eliminating a law that allowed residents of Ohio who are age 18 or over to purchase those items only in Indiana, Kentucky, Michigan, Pennsylvania, or West Virginia (repeal of R.C. 2923.22).
- Allows a resident of any state to purchase a rifle, shotgun, or ammunition in Ohio by repealing a law that only allowed residents of Indiana, Kentucky, Michigan, Pennsylvania, or West Virginia to do so (repeal of R.C. 2923.22).

### **Use of suppressor on gun while hunting game birds or wild quadrupeds**

- Authorizes a person who holds a valid hunting license to use a suppressor attached to an authorized gun while hunting game birds or wild quadrupeds (R.C. 1533.04).
- Exempts a person who owns a firearm muffler or suppressor attached to a gun that is authorized to be used for hunting from the existing prohibition against knowingly acquiring, having, carrying, or using any dangerous ordnance (R.C. 2923.17).
- Replaces "silencer" with "suppressor" within the definition of "dangerous ordnance" and in provisions requiring mandatory prison terms for conviction of a firearms specification (R.C. 2923.11(K), 2929.14(B)(1)(a)(i), and 2941.144(A)).

### **Intent statement**

- Specifies the intent of the General Assembly to make Ohio concealed handgun license law compliant with NICS (R.C. 2923.125).

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## **HISTORY**

<b>ACTION</b>	<b>DATE</b>
Introduced	07-17-13
Reported, H. Agriculture & Natural Resources	03-12-14
Passed House (76-15)	04-02-14
Reported, S. Civil Justice	12-09-14
Passed Senate (24-6)	12-09-14
House concurred in Senate amendments (72-21)	12-10-14

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