

As Introduced

**132nd General Assembly
Regular Session
2017-2018**

S. B. No. 272

**Senators Uecker, LaRose
Cosponsor: Senator Hoagland**

A BILL

To amend sections 109.572, 109.75, 109.78, 109.801, 1547.69, 2923.12, 2923.121, 2923.122, 2923.123, 2923.16, 3705.23, 4749.01, 4749.02, 4749.021, 4749.031, 4749.05, 4749.06, 4749.07, 4749.08, 4749.09, 4749.10, 4749.11, 4749.13, 4749.99, and 5502.011; to amend, for the purpose of adopting a new section number as indicated in parentheses, section 4749.031 (4749.035); to enact new sections 4749.03, 4749.031, 4749.04, and 4749.12 and sections 4749.032, 4749.033, 4749.034, 4749.041, 4749.061, 4749.062, 4749.063, and 4749.151; and to repeal sections 4749.03, 4749.04, and 4749.12 of the Revised Code to amend the requirements related to the licensing and registration of private investigators and security guards.

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

Section 1. That sections 109.572, 109.75, 109.78, 109.801, 1547.69, 2923.12, 2923.121, 2923.122, 2923.123, 2923.16, 3705.23, 4749.01, 4749.02, 4749.021, 4749.031, 4749.05, 4749.06,

4749.07, 4749.08, 4749.09, 4749.10, 4749.11, 4749.13, 4749.99, 20
and 5502.011 be amended; section 4749.031 (4749.035) be amended 21
for the purpose of adopting a new section number as indicated in 22
parentheses; and new sections 4749.03, 4749.031, 4749.04, and 23
4749.12 and sections 4749.032, 4749.033, 4749.034, 4749.041, 24
4749.061, 4749.062, 4749.063, and 4749.151 of the Revised Code 25
be enacted to read as follows: 26

Sec. 109.572. (A) (1) Upon receipt of a request pursuant to 27
section 121.08, 3301.32, 3301.541, or 3319.39 of the Revised 28
Code, a completed form prescribed pursuant to division (C) (1) of 29
this section, and a set of fingerprint impressions obtained in 30
the manner described in division (C) (2) of this section, the 31
superintendent of the bureau of criminal identification and 32
investigation shall conduct a criminal records check in the 33
manner described in division (B) of this section to determine 34
whether any information exists that indicates that the person 35
who is the subject of the request previously has been convicted 36
of or pleaded guilty to any of the following: 37

(a) A violation of section 2903.01, 2903.02, 2903.03, 38
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 39
2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 40
2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 41
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 42
2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 2919.24, 43
2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.04, 44
2925.05, 2925.06, or 3716.11 of the Revised Code, felonious 45
sexual penetration in violation of former section 2907.12 of the 46
Revised Code, a violation of section 2905.04 of the Revised Code 47
as it existed prior to July 1, 1996, a violation of section 48
2919.23 of the Revised Code that would have been a violation of 49
section 2905.04 of the Revised Code as it existed prior to July 50

1, 1996, had the violation been committed prior to that date, or 51
a violation of section 2925.11 of the Revised Code that is not a 52
minor drug possession offense; 53

(b) A violation of an existing or former law of this 54
state, any other state, or the United States that is 55
substantially equivalent to any of the offenses listed in 56
division (A) (1) (a) of this section; 57

(c) If the request is made pursuant to section 3319.39 of 58
the Revised Code for an applicant who is a teacher, any offense 59
specified in section 3319.31 of the Revised Code. 60

(2) On receipt of a request pursuant to section 3712.09 or 61
3721.121 of the Revised Code, a completed form prescribed 62
pursuant to division (C) (1) of this section, and a set of 63
fingerprint impressions obtained in the manner described in 64
division (C) (2) of this section, the superintendent of the 65
bureau of criminal identification and investigation shall 66
conduct a criminal records check with respect to any person who 67
has applied for employment in a position for which a criminal 68
records check is required by those sections. The superintendent 69
shall conduct the criminal records check in the manner described 70
in division (B) of this section to determine whether any 71
information exists that indicates that the person who is the 72
subject of the request previously has been convicted of or 73
pleaded guilty to any of the following: 74

(a) A violation of section 2903.01, 2903.02, 2903.03, 75
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 76
2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05, 77
2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31, 78
2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 79
2911.11, 2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 80

2913.21, 2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2919.25, 81
2921.36, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.11, 82
2925.13, 2925.22, 2925.23, or 3716.11 of the Revised Code; 83

(b) An existing or former law of this state, any other 84
state, or the United States that is substantially equivalent to 85
any of the offenses listed in division (A) (2) (a) of this 86
section. 87

(3) On receipt of a request pursuant to section 173.27, 88
173.38, 173.381, 3701.881, 5164.34, 5164.341, 5164.342, 89
5123.081, or 5123.169 of the Revised Code, a completed form 90
prescribed pursuant to division (C) (1) of this section, and a 91
set of fingerprint impressions obtained in the manner described 92
in division (C) (2) of this section, the superintendent of the 93
bureau of criminal identification and investigation shall 94
conduct a criminal records check of the person for whom the 95
request is made. The superintendent shall conduct the criminal 96
records check in the manner described in division (B) of this 97
section to determine whether any information exists that 98
indicates that the person who is the subject of the request 99
previously has been convicted of, has pleaded guilty to, or 100
(except in the case of a request pursuant to section 5164.34, 101
5164.341, or 5164.342 of the Revised Code) has been found 102
eligible for intervention in lieu of conviction for any of the 103
following, regardless of the date of the conviction, the date of 104
entry of the guilty plea, or (except in the case of a request 105
pursuant to section 5164.34, 5164.341, or 5164.342 of the 106
Revised Code) the date the person was found eligible for 107
intervention in lieu of conviction: 108

(a) A violation of section 959.13, 959.131, 2903.01, 109
2903.02, 2903.03, 2903.04, 2903.041, 2903.11, 2903.12, 2903.13, 110

2903.15, 2903.16, 2903.21, 2903.211, 2903.22, 2903.34, 2903.341,	111
2905.01, 2905.02, 2905.05, 2905.11, 2905.12, 2905.32, 2905.33,	112
2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08,	113
2907.09, 2907.21, 2907.22, 2907.23, 2907.24, 2907.25, 2907.31,	114
2907.32, 2907.321, 2907.322, 2907.323, 2907.33, 2909.02,	115
2909.03, 2909.04, 2909.22, 2909.23, 2909.24, 2911.01, 2911.02,	116
2911.11, 2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.05,	117
2913.11, 2913.21, 2913.31, 2913.32, 2913.40, 2913.41, 2913.42,	118
2913.43, 2913.44, 2913.441, 2913.45, 2913.46, 2913.47, 2913.48,	119
2913.49, 2913.51, 2917.01, 2917.02, 2917.03, 2917.31, 2919.12,	120
2919.121, 2919.123, 2919.22, 2919.23, 2919.24, 2919.25, 2921.03,	121
2921.11, 2921.12, 2921.13, 2921.21, 2921.24, 2921.32, 2921.321,	122
2921.34, 2921.35, 2921.36, 2921.51, 2923.12, 2923.122, 2923.123,	123
2923.13, 2923.161, 2923.162, 2923.21, 2923.32, 2923.42, 2925.02,	124
2925.03, 2925.04, 2925.041, 2925.05, 2925.06, 2925.09, 2925.11,	125
2925.13, 2925.14, 2925.141, 2925.22, 2925.23, 2925.24, 2925.36,	126
2925.55, 2925.56, 2927.12, or 3716.11 of the Revised Code;	127
(b) Felonious sexual penetration in violation of former	128
section 2907.12 of the Revised Code;	129
(c) A violation of section 2905.04 of the Revised Code as	130
it existed prior to July 1, 1996;	131
(d) A violation of section 2923.01, 2923.02, or 2923.03 of	132
the Revised Code when the underlying offense that is the object	133
of the conspiracy, attempt, or complicity is one of the offenses	134
listed in divisions (A) (3) (a) to (c) of this section;	135
(e) A violation of an existing or former municipal	136
ordinance or law of this state, any other state, or the United	137
States that is substantially equivalent to any of the offenses	138
listed in divisions (A) (3) (a) to (d) of this section.	139

(4) On receipt of a request pursuant to section 2151.86 of the Revised Code, a completed form prescribed pursuant to division (C)(1) of this section, and a set of fingerprint impressions obtained in the manner described in division (C)(2) of this section, the superintendent of the bureau of criminal identification and investigation shall conduct a criminal records check in the manner described in division (B) of this section to determine whether any information exists that indicates that the person who is the subject of the request previously has been convicted of or pleaded guilty to any of the following:

(a) A violation of section 959.13, 2903.01, 2903.02, 2903.03, 2903.04, 2903.11, 2903.12, 2903.13, 2903.15, 2903.16, 2903.21, 2903.211, 2903.22, 2903.34, 2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2909.02, 2909.03, 2909.22, 2909.23, 2909.24, 2911.01, 2911.02, 2911.11, 2911.12, 2913.49, 2917.01, 2917.02, 2919.12, 2919.22, 2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, 2927.12, or 3716.11 of the Revised Code, a violation of section 2905.04 of the Revised Code as it existed prior to July 1, 1996, a violation of section 2919.23 of the Revised Code that would have been a violation of section 2905.04 of the Revised Code as it existed prior to July 1, 1996, had the violation been committed prior to that date, a violation of section 2925.11 of the Revised Code that is not a minor drug possession offense, two or more OVI or OVUAC violations committed within the three years immediately preceding the submission of the application or petition that is the basis of the request, or felonious sexual penetration in violation of former section 2907.12 of the

Revised Code;	171
(b) A violation of an existing or former law of this	172
state, any other state, or the United States that is	173
substantially equivalent to any of the offenses listed in	174
division (A) (4) (a) of this section.	175
(5) Upon receipt of a request pursuant to section 5104.013	176
of the Revised Code, a completed form prescribed pursuant to	177
division (C) (1) of this section, and a set of fingerprint	178
impressions obtained in the manner described in division (C) (2)	179
of this section, the superintendent of the bureau of criminal	180
identification and investigation shall conduct a criminal	181
records check in the manner described in division (B) of this	182
section to determine whether any information exists that	183
indicates that the person who is the subject of the request has	184
been convicted of or pleaded guilty to any of the following:	185
(a) A violation of section 2151.421, 2903.01, 2903.02,	186
2903.03, 2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21,	187
2903.22, 2903.34, 2905.01, 2905.02, 2905.05, 2905.11, 2905.32,	188
2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08,	189
2907.09, 2907.19, 2907.21, 2907.22, 2907.23, 2907.24, 2907.25,	190
2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2909.02,	191
2909.03, 2909.04, 2909.05, 2911.01, 2911.02, 2911.11, 2911.12,	192
2913.02, 2913.03, 2913.04, 2913.041, 2913.05, 2913.06, 2913.11,	193
2913.21, 2913.31, 2913.32, 2913.33, 2913.34, 2913.40, 2913.41,	194
2913.42, 2913.43, 2913.44, 2913.441, 2913.45, 2913.46, 2913.47,	195
2913.48, 2913.49, 2917.01, 2917.02, 2917.03, 2917.31, 2919.12,	196
2919.22, 2919.224, 2919.225, 2919.24, 2919.25, 2921.03, 2921.11,	197
2921.13, 2921.14, 2921.34, 2921.35, 2923.01, 2923.12, 2923.13,	198
2923.161, 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, or	199
3716.11 of the Revised Code, felonious sexual penetration in	200

violation of former section 2907.12 of the Revised Code, a 201
violation of section 2905.04 of the Revised Code as it existed 202
prior to July 1, 1996, a violation of section 2919.23 of the 203
Revised Code that would have been a violation of section 2905.04 204
of the Revised Code as it existed prior to July 1, 1996, had the 205
violation been committed prior to that date, a violation of 206
section 2925.11 of the Revised Code that is not a minor drug 207
possession offense, a violation of section 2923.02 or 2923.03 of 208
the Revised Code that relates to a crime specified in this 209
division, or a second violation of section 4511.19 of the 210
Revised Code within five years of the date of application for 211
licensure or certification. 212

(b) A violation of an existing or former law of this 213
state, any other state, or the United States that is 214
substantially equivalent to any of the offenses or violations 215
described in division (A) (5) (a) of this section. 216

(6) Upon receipt of a request pursuant to section 5153.111 217
of the Revised Code, a completed form prescribed pursuant to 218
division (C) (1) of this section, and a set of fingerprint 219
impressions obtained in the manner described in division (C) (2) 220
of this section, the superintendent of the bureau of criminal 221
identification and investigation shall conduct a criminal 222
records check in the manner described in division (B) of this 223
section to determine whether any information exists that 224
indicates that the person who is the subject of the request 225
previously has been convicted of or pleaded guilty to any of the 226
following: 227

(a) A violation of section 2903.01, 2903.02, 2903.03, 228
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 229
2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 230

2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 231
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 232
2909.02, 2909.03, 2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 233
2919.22, 2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 234
2925.03, 2925.04, 2925.05, 2925.06, or 3716.11 of the Revised 235
Code, felonious sexual penetration in violation of former 236
section 2907.12 of the Revised Code, a violation of section 237
2905.04 of the Revised Code as it existed prior to July 1, 1996, 238
a violation of section 2919.23 of the Revised Code that would 239
have been a violation of section 2905.04 of the Revised Code as 240
it existed prior to July 1, 1996, had the violation been 241
committed prior to that date, or a violation of section 2925.11 242
of the Revised Code that is not a minor drug possession offense; 243

(b) A violation of an existing or former law of this 244
state, any other state, or the United States that is 245
substantially equivalent to any of the offenses listed in 246
division (A) (6) (a) of this section. 247

(7) On receipt of a request for a criminal records check 248
from an individual pursuant to section 4749.03 or 4749.06 of the 249
Revised Code, accompanied by a completed copy of the form 250
prescribed in division (C) (1) of this section and a set of 251
fingerprint impressions obtained in a manner described in 252
division (C) (2) of this section, the superintendent of the 253
bureau of criminal identification and investigation shall 254
conduct a criminal records check in the manner described in 255
division (B) of this section to determine whether any 256
information exists indicating that the person who is the subject 257
of the request has been convicted of or pleaded guilty to a 258
felony in this state or in any other state. If the individual 259
indicates that a firearm will be carried in the course of 260
business, the superintendent shall require information from the 261

federal bureau of investigation as described in division (B) (2) 262
of this section. Subject to division (F) of this section, the 263
superintendent shall report the findings of the criminal records 264
check and any information the federal bureau of investigation 265
provides to the director of public safety. 266

(8) On receipt of a request pursuant to section 1321.37, 267
1321.53, 1321.531, 1322.03, 1322.031, or 4763.05 of the Revised 268
Code, a completed form prescribed pursuant to division (C) (1) of 269
this section, and a set of fingerprint impressions obtained in 270
the manner described in division (C) (2) of this section, the 271
superintendent of the bureau of criminal identification and 272
investigation shall conduct a criminal records check with 273
respect to any person who has applied for a license, permit, or 274
certification from the department of commerce or a division in 275
the department. The superintendent shall conduct the criminal 276
records check in the manner described in division (B) of this 277
section to determine whether any information exists that 278
indicates that the person who is the subject of the request 279
previously has been convicted of or pleaded guilty to any of the 280
following: a violation of section 2913.02, 2913.11, 2913.31, 281
2913.51, or 2925.03 of the Revised Code; any other criminal 282
offense involving theft, receiving stolen property, 283
embezzlement, forgery, fraud, passing bad checks, money 284
laundering, or drug trafficking, or any criminal offense 285
involving money or securities, as set forth in Chapters 2909., 286
2911., 2913., 2915., 2921., 2923., and 2925. of the Revised 287
Code; or any existing or former law of this state, any other 288
state, or the United States that is substantially equivalent to 289
those offenses. 290

(9) On receipt of a request for a criminal records check 291
from the treasurer of state under section 113.041 of the Revised 292

Code or from an individual under section 4701.08, 4715.101, 293
4717.061, 4725.121, 4725.501, 4729.071, 4730.101, 4730.14, 294
4730.28, 4731.081, 4731.15, 4731.171, 4731.222, 4731.281, 295
4731.296, 4731.531, 4732.091, 4734.202, 4740.061, 4741.10, 296
4747.051, 4753.061, 4755.70, 4757.101, 4759.061, 4760.032, 297
4760.06, 4761.051, 4762.031, 4762.06, 4774.031, 4774.06, 298
4776.021, 4778.04, 4778.07, 4779.091, or 4783.04 of the Revised 299
Code, accompanied by a completed form prescribed under division 300
(C) (1) of this section and a set of fingerprint impressions 301
obtained in the manner described in division (C) (2) of this 302
section, the superintendent of the bureau of criminal 303
identification and investigation shall conduct a criminal 304
records check in the manner described in division (B) of this 305
section to determine whether any information exists that 306
indicates that the person who is the subject of the request has 307
been convicted of or pleaded guilty to any criminal offense in 308
this state or any other state. Subject to division (F) of this 309
section, the superintendent shall send the results of a check 310
requested under section 113.041 of the Revised Code to the 311
treasurer of state and shall send the results of a check 312
requested under any of the other listed sections to the 313
licensing board specified by the individual in the request. 314

(10) On receipt of a request pursuant to section 1121.23, 315
1315.141, 1733.47, or 1761.26 of the Revised Code, a completed 316
form prescribed pursuant to division (C) (1) of this section, and 317
a set of fingerprint impressions obtained in the manner 318
described in division (C) (2) of this section, the superintendent 319
of the bureau of criminal identification and investigation shall 320
conduct a criminal records check in the manner described in 321
division (B) of this section to determine whether any 322
information exists that indicates that the person who is the 323

subject of the request previously has been convicted of or 324
pleaded guilty to any criminal offense under any existing or 325
former law of this state, any other state, or the United States. 326

(11) On receipt of a request for a criminal records check 327
from an appointing or licensing authority under section 3772.07 328
of the Revised Code, a completed form prescribed under division 329
(C) (1) of this section, and a set of fingerprint impressions 330
obtained in the manner prescribed in division (C) (2) of this 331
section, the superintendent of the bureau of criminal 332
identification and investigation shall conduct a criminal 333
records check in the manner described in division (B) of this 334
section to determine whether any information exists that 335
indicates that the person who is the subject of the request 336
previously has been convicted of or pleaded guilty or no contest 337
to any offense under any existing or former law of this state, 338
any other state, or the United States that is a disqualifying 339
offense as defined in section 3772.07 of the Revised Code or 340
substantially equivalent to such an offense. 341

(12) On receipt of a request pursuant to section 2151.33 342
or 2151.412 of the Revised Code, a completed form prescribed 343
pursuant to division (C) (1) of this section, and a set of 344
fingerprint impressions obtained in the manner described in 345
division (C) (2) of this section, the superintendent of the 346
bureau of criminal identification and investigation shall 347
conduct a criminal records check with respect to any person for 348
whom a criminal records check is required under that section. 349
The superintendent shall conduct the criminal records check in 350
the manner described in division (B) of this section to 351
determine whether any information exists that indicates that the 352
person who is the subject of the request previously has been 353
convicted of or pleaded guilty to any of the following: 354

(a) A violation of section 2903.01, 2903.02, 2903.03, 355
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 356
2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05, 357
2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31, 358
2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 359
2911.11, 2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 360
2913.21, 2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2919.25, 361
2921.36, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.11, 362
2925.13, 2925.22, 2925.23, or 3716.11 of the Revised Code; 363

(b) An existing or former law of this state, any other 364
state, or the United States that is substantially equivalent to 365
any of the offenses listed in division (A)(12)(a) of this 366
section. 367

(13) On receipt of a request pursuant to section 3796.12 368
of the Revised Code, a completed form prescribed pursuant to 369
division (C)(1) of this section, and a set of fingerprint 370
impressions obtained in a manner described in division (C)(2) of 371
this section, the superintendent of the bureau of criminal 372
identification and investigation shall conduct a criminal 373
records check in the manner described in division (B) of this 374
section to determine whether any information exists that 375
indicates that the person who is the subject of the request 376
previously has been convicted of or pleaded guilty to the 377
following: 378

(a) A disqualifying offense as specified in rules adopted 379
under division (B)(2)(b) of section 3796.03 of the Revised Code 380
if the person who is the subject of the request is an 381
administrator or other person responsible for the daily 382
operation of, or an owner or prospective owner, officer or 383
prospective officer, or board member or prospective board member 384

of, an entity seeking a license from the department of commerce 385
under Chapter 3796. of the Revised Code; 386

(b) A disqualifying offense as specified in rules adopted 387
under division (B) (2) (b) of section 3796.04 of the Revised Code 388
if the person who is the subject of the request is an 389
administrator or other person responsible for the daily 390
operation of, or an owner or prospective owner, officer or 391
prospective officer, or board member or prospective board member 392
of, an entity seeking a license from the state board of pharmacy 393
under Chapter 3796. of the Revised Code. 394

(14) On receipt of a request required by section 3796.13 395
of the Revised Code, a completed form prescribed pursuant to 396
division (C) (1) of this section, and a set of fingerprint 397
impressions obtained in a manner described in division (C) (2) of 398
this section, the superintendent of the bureau of criminal 399
identification and investigation shall conduct a criminal 400
records check in the manner described in division (B) of this 401
section to determine whether any information exists that 402
indicates that the person who is the subject of the request 403
previously has been convicted of or pleaded guilty to the 404
following: 405

(a) A disqualifying offense as specified in rules adopted 406
under division (B) (8) (a) of section 3796.03 of the Revised Code 407
if the person who is the subject of the request is seeking 408
employment with an entity licensed by the department of commerce 409
under Chapter 3796. of the Revised Code; 410

(b) A disqualifying offense as specified in rules adopted 411
under division (B) (14) (a) of section 3796.04 of the Revised Code 412
if the person who is the subject of the request is seeking 413
employment with an entity licensed by the state board of 414

pharmacy under Chapter 3796. of the Revised Code. 415

(B) Subject to division (F) of this section, the 416
superintendent shall conduct any criminal records check to be 417
conducted under this section as follows: 418

(1) The superintendent shall review or cause to be 419
reviewed any relevant information gathered and compiled by the 420
bureau under division (A) of section 109.57 of the Revised Code 421
that relates to the person who is the subject of the criminal 422
records check, including, if the criminal records check was 423
requested under section 113.041, 121.08, 173.27, 173.38, 424
173.381, 1121.23, 1315.141, 1321.37, 1321.53, 1321.531, 1322.03, 425
1322.031, 1733.47, 1761.26, 2151.86, 3301.32, 3301.541, 3319.39, 426
3701.881, 3712.09, 3721.121, 3772.07, 3796.12, 3796.13, 4749.03, 427
4749.06, 4763.05, 5104.013, 5164.34, 5164.341, 5164.342, 428
5123.081, 5123.169, or 5153.111 of the Revised Code, any 429
relevant information contained in records that have been sealed 430
under section 2953.32 of the Revised Code; 431

(2) If the request received by the superintendent asks for 432
information from the federal bureau of investigation, the 433
superintendent shall request from the federal bureau of 434
investigation any information it has with respect to the person 435
who is the subject of the criminal records check, including 436
fingerprint-based checks of national crime information databases 437
as described in 42 U.S.C. 671 if the request is made pursuant to 438
section 2151.86 or 5104.013 of the Revised Code or if any other 439
Revised Code section requires fingerprint-based checks of that 440
nature, and shall review or cause to be reviewed any information 441
the superintendent receives from that bureau. If a request under 442
section 3319.39 of the Revised Code asks only for information 443
from the federal bureau of investigation, the superintendent 444

shall not conduct the review prescribed by division (B) (1) of 445
this section. 446

(3) The superintendent or the superintendent's designee 447
may request criminal history records from other states or the 448
federal government pursuant to the national crime prevention and 449
privacy compact set forth in section 109.571 of the Revised 450
Code. 451

(4) The superintendent shall include in the results of the 452
criminal records check a list or description of the offenses 453
listed or described in division (A) (1), (2), (3), (4), (5), (6), 454
(7), (8), (9), (10), (11), (12), (13), or (14) of this section, 455
whichever division requires the superintendent to conduct the 456
criminal records check. The superintendent shall exclude from 457
the results any information the dissemination of which is 458
prohibited by federal law. 459

(5) The superintendent shall send the results of the 460
criminal records check to the person to whom it is to be sent 461
not later than the following number of days after the date the 462
superintendent receives the request for the criminal records 463
check, the completed form prescribed under division (C) (1) of 464
this section, and the set of fingerprint impressions obtained in 465
the manner described in division (C) (2) of this section: 466

(a) If the superintendent is required by division (A) of 467
this section (other than division (A) (3) of this section) to 468
conduct the criminal records check, thirty; 469

(b) If the superintendent is required by division (A) (3) 470
of this section to conduct the criminal records check, sixty. 471

(C) (1) The superintendent shall prescribe a form to obtain 472
the information necessary to conduct a criminal records check 473

from any person for whom a criminal records check is to be 474
conducted under this section. The form that the superintendent 475
prescribes pursuant to this division may be in a tangible 476
format, in an electronic format, or in both tangible and 477
electronic formats. 478

(2) The superintendent shall prescribe standard impression 479
sheets to obtain the fingerprint impressions of any person for 480
whom a criminal records check is to be conducted under this 481
section. Any person for whom a records check is to be conducted 482
under this section shall obtain the fingerprint impressions at a 483
county sheriff's office, municipal police department, or any 484
other entity with the ability to make fingerprint impressions on 485
the standard impression sheets prescribed by the superintendent. 486
The office, department, or entity may charge the person a 487
reasonable fee for making the impressions. The standard 488
impression sheets the superintendent prescribes pursuant to this 489
division may be in a tangible format, in an electronic format, 490
or in both tangible and electronic formats. 491

(3) Subject to division (D) of this section, the 492
superintendent shall prescribe and charge a reasonable fee for 493
providing a criminal records check under this section. The 494
person requesting the criminal records check shall pay the fee 495
prescribed pursuant to this division. In the case of a request 496
under section 1121.23, 1155.03, 1163.05, 1315.141, 1733.47, 497
1761.26, 2151.33, 2151.412, or 5164.34 of the Revised Code, the 498
fee shall be paid in the manner specified in that section. 499

(4) The superintendent of the bureau of criminal 500
identification and investigation may prescribe methods of 501
forwarding fingerprint impressions and information necessary to 502
conduct a criminal records check, which methods shall include, 503

but not be limited to, an electronic method. 504

(D) The results of a criminal records check conducted 505
under this section, ~~other than a criminal records check~~ 506
~~specified in division (A) (7) of this section,~~ are valid for the 507
person who is the subject of the criminal records check for a 508
period of one year from the date upon which the superintendent 509
completes the criminal records check. If during that period the 510
superintendent receives another request for a criminal records 511
check to be conducted under this section for that person, the 512
superintendent shall provide the results from the previous 513
criminal records check of the person at a lower fee than the fee 514
prescribed for the initial criminal records check. 515

(E) When the superintendent receives a request for 516
information from a registered private provider, the 517
superintendent shall proceed as if the request was received from 518
a school district board of education under section 3319.39 of 519
the Revised Code. The superintendent shall apply division (A) (1) 520
(c) of this section to any such request for an applicant who is 521
a teacher. 522

(F) (1) Subject to division (F) (2) of this section, all 523
information regarding the results of a criminal records check 524
conducted under this section that the superintendent reports or 525
sends under division (A) (7) or (9) of this section to the 526
director of public safety, the treasurer of state, or the 527
person, board, or entity that made the request for the criminal 528
records check shall relate to the conviction of the subject 529
person, or the subject person's plea of guilty to, a criminal 530
offense. 531

(2) Division (F) (1) of this section does not limit, 532
restrict, or preclude the superintendent's release of 533

information that relates to the arrest of a person who is 534
eighteen years of age or older, to an adjudication of a child as 535
a delinquent child, or to a criminal conviction of a person 536
under eighteen years of age in circumstances in which a release 537
of that nature is authorized under division (E) (2), (3), or (4) 538
of section 109.57 of the Revised Code pursuant to a rule adopted 539
under division (E) (1) of that section. 540

(G) As used in this section: 541

(1) "Criminal records check" means any criminal records 542
check conducted by the superintendent of the bureau of criminal 543
identification and investigation in accordance with division (B) 544
of this section. 545

(2) "Minor drug possession offense" has the same meaning 546
as in section 2925.01 of the Revised Code. 547

(3) "OVI or OVUAC violation" means a violation of section 548
4511.19 of the Revised Code or a violation of an existing or 549
former law of this state, any other state, or the United States 550
that is substantially equivalent to section 4511.19 of the 551
Revised Code. 552

(4) "Registered private provider" means a nonpublic school 553
or entity registered with the superintendent of public 554
instruction under section 3310.41 of the Revised Code to 555
participate in the autism scholarship program or section 3310.58 556
of the Revised Code to participate in the Jon Peterson special 557
needs scholarship program. 558

Sec. 109.75. The executive director of the Ohio peace 559
officer training commission, on behalf of the commission, shall 560
have the following powers and duties, which shall be exercised 561
with the general advice of the commission and only in accordance 562

with section 109.751 of the Revised Code and the rules adopted 563
pursuant to that section, and with the rules adopted by the 564
attorney general pursuant to sections 109.74, 109.741, 109.742, 565
and 109.743 of the Revised Code: 566

(A) To approve peace officer training schools ~~and firearms-~~ 567
~~requalification programs~~ administered by the state, counties, 568
municipal corporations, and the department of natural resources, 569
to issue certificates of approval to approved schools, and to 570
revoke an approval or certificate; 571

(B) To certify, as qualified, instructors at approved 572
peace officer training schools, to issue appropriate 573
certificates to these instructors, and to revoke for good cause 574
shown certificates of these instructors; 575

(C) To certify, as qualified, commanders at approved peace 576
officer training schools, to issue appropriate certificates to 577
these commanders, and to revoke for good cause shown 578
certificates of these commanders. As used in this division, 579
"commander" means the director or other head of an approved 580
peace officer training school. 581

(D) To certify peace officers and sheriffs who have 582
satisfactorily completed basic training programs and to issue 583
appropriate certificates to these peace officers and sheriffs; 584

(E) To cause studies and surveys to be made relating to 585
the establishment, operation, and approval of state, county, and 586
municipal peace officer training schools; 587

(F) To consult and cooperate with state, county, and 588
municipal peace officer training schools for the development of 589
advanced in-service training programs for peace officers; 590

(G) To consult and cooperate with universities, colleges, 591

and institutes for the development of specialized courses of 592
study in the state for peace officers in police science and 593
police administration; 594

(H) To consult and cooperate with other departments and 595
agencies of the state and federal government concerned with 596
peace officer training; 597

(I) To perform any other acts that may be necessary or 598
appropriate to carry out the executive director's powers and 599
duties as set forth in sections 109.71 to 109.77 of the Revised 600
Code; 601

(J) To report to the commission at each regular meeting of 602
the commission and at any other times that the commission may 603
require; 604

(K) To certify persons who have satisfactorily completed 605
approved training programs for correction officers in full- 606
service jails, five-day facilities, or eight-hour holding 607
facilities or approved training programs for others who provide 608
correction services in those jails or facilities and to issue 609
appropriate certificates to those persons; 610

(L) To approve firearms requalification programs 611
administered by the state, counties, municipal corporations, the 612
department of natural resources, or any other qualified 613
organization, to issue certificates of approval to qualified 614
programs, and to revoke an approval or certificate; 615

(M) To maintain any records associated with the powers and 616
duties set forth in this section. Certification examinations, 617
either before or after completion, are not public records for 618
purposes of section 149.43 of the Revised Code, but the results 619
of such examinations are public records under that section. 620

Sec. 109.78. (A) The executive director of the Ohio peace officer training commission, on behalf of the commission and in accordance with rules promulgated by the attorney general, shall certify persons who have satisfactorily completed approved training programs designed to qualify persons for positions as special police, security guards, private investigators, or persons otherwise privately employed in a police capacity and issue appropriate certificates to such persons. Application for approval of a training program designed to qualify persons for such positions shall be made to the commission. An application for approval shall be submitted to the commission with a fee of one hundred twenty-five dollars, which fee shall be refunded if the application is denied. Such programs shall cover only duties and jurisdiction of such security guards, private investigators, and special police privately employed in a police capacity when such officers do not qualify for training under section 109.71 of the Revised Code. ~~A person attending an approved basic training program administered by the state shall pay to the agency administering the program the cost of the person's participation in the program as determined by the agency. A person attending an approved basic training program administered by a county or municipal corporation shall pay the cost of the person's participation in the program, as determined by the administering subdivision, to the county or the municipal corporation.~~ A person who is issued a certificate for satisfactory completion of an approved basic training program shall pay to the commission a fee of fifteen dollars. A duplicate of a lost, spoliated, or destroyed certificate may be issued upon application and payment of a fee of fifteen dollars. Such certificate or the completion of twenty years of active duty as a peace officer shall satisfy the educational requirements for appointment or commission as a special police

officer or special deputy of a political subdivision of this state. 653
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(B) ~~(1)~~ The executive director of the Ohio peace officer training commission, on behalf of the commission and in accordance with rules promulgated by the attorney general, shall certify basic firearms training programs, and shall issue certificates to class A, B, or C licensees or prospective class A, B, or C licensees under Chapter 4749. of the Revised Code and to registered or prospective employees of such class A, B, or C licensees who have satisfactorily completed a basic firearms training program of the type described in division ~~(A)(1)~~ (B) of section 4749.10 of the Revised Code. 655
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Application for approval of a basic firearms training program shall be made to the commission. An application shall be submitted to the commission with a fee of one hundred dollars, ~~which for a program that opens with ten or fewer students, a fee of one hundred fifty dollars for a program that opens with between eleven and twenty students, and a fee of two hundred dollars for a program that opens with more than twenty students.~~ That fee shall be refunded if the application is denied. 665
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A person who is issued a certificate for satisfactory completion of an approved basic firearms training program shall pay a fee of ten dollars to the commission. A duplicate of a lost, spoliated, or destroyed certificate may be issued upon application and payment of a fee of five dollars. 673
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~~(2) The executive director, on behalf of the commission and in accordance with rules promulgated by the attorney general, also shall certify firearms requalification training programs and instructors for the annual requalification of class A, B, or C licensees under Chapter 4749. of the Revised Code and~~ 678
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~~registered or prospective employees of such class A, B, or C~~ 683
~~licensees who are authorized to carry a firearm under section~~ 684
~~4749.10 of the Revised Code. Application for approval of a~~ 685
~~training program or instructor for such purpose shall be made to~~ 686
~~the commission. Such an application shall be submitted to the~~ 687
~~commission with a fee of fifty dollars, which fee shall be~~ 688
~~refunded if the application is denied.~~ 689

~~(3) The executive director, upon request, also shall~~ 690
~~review firearms training received within three years prior to~~ 691
~~November 23, 1985, by any class A, B, or C licensee or~~ 692
~~prospective class A, B, or C licensee, or by any registered or~~ 693
~~prospective employee of any class A, B, or C licensee under~~ 694
~~Chapter 4749. of the Revised Code to determine if the training~~ 695
~~received is equivalent to a basic firearms training program that~~ 696
~~includes twenty hours of handgun training and five hours of~~ 697
~~training in the use of other firearms, if any other firearm is~~ 698
~~to be used. If the executive director determines the training~~ 699
~~was received within the three-year period and that it is~~ 700
~~equivalent to such a program, the executive director shall issue~~ 701
~~written evidence of approval of the equivalency training to the~~ 702
~~licensee or employee.~~ 703

(C) There is hereby established in the state treasury the 704
peace officer private security fund, which shall be used by the 705
Ohio peace officer training commission to administer the 706
training program to qualify persons for positions as special 707
police, security guards, private investigators, or other private 708
employment in a police capacity, as described in division (A) of 709
this section, ~~and the training program in basic firearms and the~~ 710
~~training program for firearms requalification, both as described~~ 711
in division (B) of this section, and the training program for 712
firearms requalification described in section 109.801 of the 713

Revised Code. All fees paid to the commission by applicants for 714
approval of a training program designed to qualify persons for 715
such private police positions, or a basic firearms training 716
program, or a firearms requalification training program or 717
instructor, as required by division (A) or (B) of this section, 718
or for approval of a firearms requalification training program 719
or instructor, as required by section 109.801 of the Revised 720
Code; by persons who satisfactorily complete a private police 721
training program or a basic firearms training program, as 722
required by division (A) or (B) of this section; or by persons 723
who satisfactorily requalify in firearms use, as required by 724
division ~~(B)(2)~~ (C) of section 4749.10 of the Revised Code, 725
shall be transmitted to the treasurer of state for deposit in 726
the fund. The fund shall be used only for the purpose set forth 727
in this division. 728

(D) No public or private educational institution or 729
superintendent of the state highway patrol shall employ a person 730
as a special police officer, security guard, private 731
investigator, or other position in which such person goes armed 732
while on duty, who has not received a certificate of having 733
satisfactorily completed an approved basic peace officer 734
training program, unless the person has completed twenty years 735
of active duty as a peace officer. 736

Sec. 109.801. (A) (1) Each year, any of the following 737
persons who are authorized to carry firearms in the course of 738
their official duties shall complete successfully a firearms 739
requalification program approved by the executive director of 740
the Ohio peace officer training commission in accordance with 741
rules adopted by the attorney general pursuant to section 742
109.743 of the Revised Code: any peace officer, sheriff, chief 743
of police of an organized police department of a municipal 744

corporation or township, chief of police of a township police 745
district or joint police district police force, superintendent 746
of the state highway patrol, state highway patrol trooper, or 747
chief of police of a university or college police department; 748
any parole or probation officer who carries a firearm in the 749
course of official duties; the house of representatives sergeant 750
at arms if the house of representatives sergeant at arms has 751
arrest authority pursuant to division (E) (1) of section 101.311 752
of the Revised Code; any assistant house of representatives 753
sergeant at arms; the senate sergeant at arms; any assistant 754
senate sergeant at arms; ~~or~~ any employee of the department of 755
youth services who is designated pursuant to division (A) (2) of 756
section 5139.53 of the Revised Code as being authorized to carry 757
a firearm while on duty as described in that division; or any 758
security guard or private investigator who is authorized by the 759
director of public safety to carry a firearm while on duty, in 760
accordance with section 4749.10 of the Revised Code. 761

(2) No person listed in division (A) (1) of this section 762
shall carry a firearm during the course of official duties if 763
the person does not comply with division (A) (1) of this section. 764

(B) The hours that a sheriff spends attending a firearms 765
requalification program required by division (A) of this section 766
are in addition to the sixteen hours of continuing education 767
that are required by division (E) of section 311.01 of the 768
Revised Code. 769

(C) As used in this section, "firearm" has the same 770
meaning as in section 2923.11 of the Revised Code. 771

Sec. 1547.69. (A) As used in this section: 772

(1) "Firearm," "concealed handgun license," "handgun," 773

"valid concealed handgun license," and "active duty" have the 774
same meanings as in section 2923.11 of the Revised Code. 775

(2) "Unloaded" has the same meanings as in divisions (K) 776
(5) and (6) of section 2923.16 of the Revised Code, except that 777
all references in the definition in division (K) (5) of that 778
section to "vehicle" shall be construed for purposes of this 779
section to be references to "vessel." 780

(B) No person shall knowingly discharge a firearm while in 781
or on a vessel. 782

(C) No person shall knowingly transport or have a loaded 783
firearm in a vessel in a manner that the firearm is accessible 784
to the operator or any passenger. 785

(D) No person shall knowingly transport or have a firearm 786
in a vessel unless it is unloaded and is carried in one of the 787
following ways: 788

(1) In a closed package, box, or case; 789

(2) In plain sight with the action opened or the weapon 790
stripped, or, if the firearm is of a type on which the action 791
will not stay open or that cannot easily be stripped, in plain 792
sight. 793

(E) (1) The affirmative defenses authorized in divisions 794
(D) (1) and (2) of section 2923.12 of the Revised Code are 795
affirmative defenses to a charge under division (C) or (D) of 796
this section that involves a firearm other than a handgun. It is 797
an affirmative defense to a charge under division (C) or (D) of 798
this section of transporting or having a firearm of any type, 799
including a handgun, in a vessel that the actor transported or 800
had the firearm in the vessel for any lawful purpose and while 801
the vessel was on the actor's own property, provided that this 802

affirmative defense is not available unless the actor, prior to 803
arriving at the vessel on the actor's own property, did not 804
transport or possess the firearm in the vessel or in a motor 805
vehicle in a manner prohibited by this section or division (B) 806
or (C) of section 2923.16 of the Revised Code while the vessel 807
was being operated on a waterway that was not on the actor's own 808
property or while the motor vehicle was being operated on a 809
street, highway, or other public or private property used by the 810
public for vehicular traffic. 811

(2) No person who is charged with a violation of division 812
(C) or (D) of this section shall be required to obtain a license 813
or temporary emergency license to carry a concealed handgun 814
under section 2923.125 or 2923.1213 of the Revised Code as a 815
condition for the dismissal of the charge. 816

(F) Divisions (B), (C), and (D) of this section do not 817
apply to the possession or discharge of a United States coast 818
guard approved signaling device required to be carried aboard a 819
vessel under section 1547.251 of the Revised Code when the 820
signaling device is possessed or used for the purpose of giving 821
a visual distress signal. No person shall knowingly transport or 822
possess any signaling device of that nature in or on a vessel in 823
a loaded condition at any time other than immediately prior to 824
the discharge of the signaling device for the purpose of giving 825
a visual distress signal. 826

(G) No person shall operate or permit to be operated any 827
vessel on the waters in this state in violation of this section. 828

(H) (1) This section does not apply to any of the 829
following: 830

(a) An officer, agent, or employee of this or any other 831

state or of the United States, or to a law enforcement officer, 832
when authorized to carry or have loaded or accessible firearms 833
in a vessel and acting within the scope of the officer's, 834
agent's, or employee's duties; 835

(b) Any person who is employed in this state, who is 836
authorized to carry or have loaded or accessible firearms in a 837
vessel, and who is subject to and in compliance with the 838
requirements of section 109.801 of the Revised Code, unless 839
either of the following applies: 840

(i) The appointing authority of the person has expressly 841
specified that the exemption provided in division (H) (1) (b) of 842
this section does not apply to the person~~+~~. 843

(ii) The person is authorized to carry solely under 844
section 4749.10 of the Revised Code. 845

(c) Any person legally engaged in hunting. 846

(2) Divisions (C) and (D) of this section do not apply to 847
a person who transports or possesses a handgun in a vessel and 848
who, at the time of that transportation or possession, either is 849
carrying a valid concealed handgun license or is an active duty 850
member of the armed forces of the United States and is carrying 851
a valid military identification card and documentation of 852
successful completion of firearms training that meets or exceeds 853
the training requirements described in division (G) (1) of 854
section 2923.125 of the Revised Code, unless the person 855
knowingly is in a place on the vessel described in division (B) 856
of section 2923.126 of the Revised Code. 857

(I) If a law enforcement officer stops a vessel for a 858
violation of this section or any other law enforcement purpose, 859
if any person on the vessel surrenders a firearm to the officer, 860

either voluntarily or pursuant to a request or demand of the officer, and if the officer does not charge the person with a violation of this section or arrest the person for any offense, the person is not otherwise prohibited by law from possessing the firearm, and the firearm is not contraband, the officer shall return the firearm to the person at the termination of the stop.

(J) Division (L) of section 2923.16 of the Revised Code applies with respect to division (A) (2) of this section, except that all references in division (L) of section 2923.16 of the Revised Code to "vehicle," to "this chapter," or to "division (K) (5) (a) or (b) of this section" shall be construed for purposes of this section to be, respectively, references to "vessel," to "section 1547.69 of the Revised Code," and to divisions (K) (5) (a) and (b) of section 2923.16 of the Revised Code as incorporated under the definition of firearm adopted under division (A) (2) of this section.

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 and is carrying a concealed handgun, fail to promptly inform any law enforcement officer who approaches the person after the person has been stopped that the person has been issued a

concealed handgun license and that the person then is carrying a 890
concealed handgun; 891

(2) If the person is stopped for a law enforcement purpose 892
and is carrying a concealed handgun, knowingly fail to keep the 893
person's hands in plain sight at any time after any law 894
enforcement officer begins approaching the person while stopped 895
and before the law enforcement officer leaves, unless the 896
failure is pursuant to and in accordance with directions given 897
by a law enforcement officer; 898

(3) If the person is stopped for a law enforcement 899
purpose, if the person is carrying a concealed handgun, and if 900
the person is approached by any law enforcement officer while 901
stopped, knowingly remove or attempt to remove the loaded 902
handgun from the holster, pocket, or other place in which the 903
person is carrying it, knowingly grasp or hold the loaded 904
handgun, or knowingly have contact with the loaded handgun by 905
touching it with the person's hands or fingers at any time after 906
the law enforcement officer begins approaching and before the 907
law enforcement officer leaves, unless the person removes, 908
attempts to remove, grasps, holds, or has contact with the 909
loaded handgun pursuant to and in accordance with directions 910
given by the law enforcement officer; 911

(4) If the person is stopped for a law enforcement purpose 912
and is carrying a concealed handgun, knowingly disregard or fail 913
to comply with any lawful order of any law enforcement officer 914
given while the person is stopped, including, but not limited 915
to, a specific order to the person to keep the person's hands in 916
plain sight. 917

(C) (1) This section does not apply to any of the 918
following: 919

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

(b) Any person who is employed in this state, who is authorized to carry concealed weapons or dangerous ordnance or is authorized to carry handguns, and who is subject to and in compliance with the requirements of section 109.801 of the Revised Code, unless either of the following applies:

(i) The appointing authority of the person has expressly specified that the exemption provided in division (C) (1) (b) of this section does not apply to the person.

(ii) The person is authorized to carry solely under section 4749.10 of the Revised Code.

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

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

(2) Division (A) (2) of this section does not apply to any person who, at the time of the alleged carrying or possession of a handgun, either is carrying a valid concealed handgun license or is an active duty member of the armed forces of the United States and is carrying a valid military identification card and documentation of successful completion of firearms training that

meets or exceeds the training requirements described in division 949
(G) (1) of section 2923.125 of the Revised Code, unless the 950
person knowingly is in a place described in division (B) of 951
section 2923.126 of the Revised Code. 952

(D) It is an affirmative defense to a charge under 953
division (A) (1) of this section of carrying or having control of 954
a weapon other than a handgun and other than a dangerous 955
ordnance that the actor was not otherwise prohibited by law from 956
having the weapon and that any of the following applies: 957

(1) The weapon was carried or kept ready at hand by the 958
actor for defensive purposes while the actor was engaged in or 959
was going to or from the actor's lawful business or occupation, 960
which business or occupation was of a character or was 961
necessarily carried on in a manner or at a time or place as to 962
render the actor particularly susceptible to criminal attack, 963
such as would justify a prudent person in going armed. 964

(2) The weapon was carried or kept ready at hand by the 965
actor for defensive purposes while the actor was engaged in a 966
lawful activity and had reasonable cause to fear a criminal 967
attack upon the actor, a member of the actor's family, or the 968
actor's home, such as would justify a prudent person in going 969
armed. 970

(3) The weapon was carried or kept ready at hand by the 971
actor for any lawful purpose and while in the actor's own home. 972

(E) No person who is charged with a violation of this 973
section shall be required to obtain a concealed handgun license 974
as a condition for the dismissal of the charge. 975

(F) (1) Whoever violates this section is guilty of carrying 976
concealed weapons. Except as otherwise provided in this division 977

or divisions (F) (2), (6), and (7) of this section, carrying 978
concealed weapons in violation of division (A) of this section 979
is a misdemeanor of the first degree. Except as otherwise 980
provided in this division or divisions (F) (2), (6), and (7) of 981
this section, if the offender previously has been convicted of a 982
violation of this section or of any offense of violence, if the 983
weapon involved is a firearm that is either loaded or for which 984
the offender has ammunition ready at hand, or if the weapon 985
involved is dangerous ordnance, carrying concealed weapons in 986
violation of division (A) of this section is a felony of the 987
fourth degree. Except as otherwise provided in divisions (F) (2) 988
and (6) of this section, if the offense is committed aboard an 989
aircraft, or with purpose to carry a concealed weapon aboard an 990
aircraft, regardless of the weapon involved, carrying concealed 991
weapons in violation of division (A) of this section is a felony 992
of the third degree. 993

(2) Except as provided in division (F) (6) of this section, 994
if a person being arrested for a violation of division (A) (2) of 995
this section promptly produces a valid concealed handgun 996
license, and if at the time of the violation the person was not 997
knowingly in a place described in division (B) of section 998
2923.126 of the Revised Code, the officer shall not arrest the 999
person for a violation of that division. If the person is not 1000
able to promptly produce any concealed handgun license and if 1001
the person is not in a place described in that section, the 1002
officer may arrest the person for a violation of that division, 1003
and the offender shall be punished as follows: 1004

(a) The offender shall be guilty of a minor misdemeanor if 1005
both of the following apply: 1006

(i) Within ten days after the arrest, the offender 1007

presents a concealed handgun license, which license was valid at 1008
the time of the arrest to the law enforcement agency that 1009
employs the arresting officer. 1010

(ii) At the time of the arrest, the offender was not 1011
knowingly in a place described in division (B) of section 1012
2923.126 of the Revised Code. 1013

(b) The offender shall be guilty of a misdemeanor and 1014
shall be fined five hundred dollars if all of the following 1015
apply: 1016

(i) The offender previously had been issued a concealed 1017
handgun license, and that license expired within the two years 1018
immediately preceding the arrest. 1019

(ii) Within forty-five days after the arrest, the offender 1020
presents a concealed handgun license to the law enforcement 1021
agency that employed the arresting officer, and the offender 1022
waives in writing the offender's right to a speedy trial on the 1023
charge of the violation that is provided in section 2945.71 of 1024
the Revised Code. 1025

(iii) At the time of the commission of the offense, the 1026
offender was not knowingly in a place described in division (B) 1027
of section 2923.126 of the Revised Code. 1028

(c) If divisions (F) (2) (a) and (b) and (F) (6) of this 1029
section do not apply, the offender shall be punished under 1030
division (F) (1) or (7) of this section. 1031

(3) Except as otherwise provided in this division, 1032
carrying concealed weapons in violation of division (B) (1) of 1033
this section is a misdemeanor of the first degree, and, in 1034
addition to any other penalty or sanction imposed for a 1035
violation of division (B) (1) of this section, the offender's 1036

concealed handgun license shall be suspended pursuant to 1037
division (A) (2) of section 2923.128 of the Revised Code. If, at 1038
the time of the stop of the offender for a law enforcement 1039
purpose that was the basis of the violation, any law enforcement 1040
officer involved with the stop had actual knowledge that the 1041
offender has been issued a concealed handgun license, carrying 1042
concealed weapons in violation of division (B) (1) of this 1043
section is a minor misdemeanor, and the offender's concealed 1044
handgun license shall not be suspended pursuant to division (A) 1045
(2) of section 2923.128 of the Revised Code. 1046

(4) Carrying concealed weapons in violation of division 1047
(B) (2) or (4) of this section is a misdemeanor of the first 1048
degree or, if the offender previously has been convicted of or 1049
pleaded guilty to a violation of division (B) (2) or (4) of this 1050
section, a felony of the fifth degree. In addition to any other 1051
penalty or sanction imposed for a misdemeanor violation of 1052
division (B) (2) or (4) of this section, the offender's concealed 1053
handgun license shall be suspended pursuant to division (A) (2) 1054
of section 2923.128 of the Revised Code. 1055

(5) Carrying concealed weapons in violation of division 1056
(B) (3) of this section is a felony of the fifth degree. 1057

(6) If a person being arrested for a violation of division 1058
(A) (2) of this section is an active duty member of the armed 1059
forces of the United States and is carrying a valid military 1060
identification card and documentation of successful completion 1061
of firearms training that meets or exceeds the training 1062
requirements described in division (G) (1) of section 2923.125 of 1063
the Revised Code, and if at the time of the violation the person 1064
was not knowingly in a place described in division (B) of 1065
section 2923.126 of the Revised Code, the officer shall not 1066

arrest the person for a violation of that division. If the 1067
person is not able to promptly produce a valid military 1068
identification card and documentation of successful completion 1069
of firearms training that meets or exceeds the training 1070
requirements described in division (G) (1) of section 2923.125 of 1071
the Revised Code and if the person is not in a place described 1072
in division (B) of section 2923.126 of the Revised Code, the 1073
officer shall issue a citation and the offender shall be 1074
assessed a civil penalty of not more than five hundred dollars. 1075
The citation shall be automatically dismissed and the civil 1076
penalty shall not be assessed if both of the following apply: 1077

(a) Within ten days after the issuance of the citation, 1078
the offender presents a valid military identification card and 1079
documentation of successful completion of firearms training that 1080
meets or exceeds the training requirements described in division 1081
(G) (1) of section 2923.125 of the Revised Code, which were both 1082
valid at the time of the issuance of the citation to the law 1083
enforcement agency that employs the citing officer. 1084

(b) At the time of the citation, the offender was not 1085
knowingly in a place described in division (B) of section 1086
2923.126 of the Revised Code. 1087

(7) If a person being arrested for a violation of division 1088
(A) (2) of this section is knowingly in a place described in 1089
division (B) (5) of section 2923.126 of the Revised Code and is 1090
not authorized to carry a handgun or have a handgun concealed on 1091
the person's person or concealed ready at hand under that 1092
division, the penalty shall be as follows: 1093

(a) Except as otherwise provided in this division, if the 1094
person produces a valid concealed handgun license within ten 1095
days after the arrest and has not previously been convicted or 1096

pleaded guilty to a violation of division (A) (2) of this 1097
section, the person is guilty of a minor misdemeanor; 1098

(b) Except as otherwise provided in this division, if the 1099
person has previously been convicted of or pleaded guilty to a 1100
violation of division (A) (2) of this section, the person is 1101
guilty of a misdemeanor of the fourth degree; 1102

(c) Except as otherwise provided in this division, if the 1103
person has previously been convicted of or pleaded guilty to two 1104
violations of division (A) (2) of this section, the person is 1105
guilty of a misdemeanor of the third degree; 1106

(d) Except as otherwise provided in this division, if the 1107
person has previously been convicted of or pleaded guilty to 1108
three or more violations of division (A) (2) of this section, or 1109
convicted of or pleaded guilty to any offense of violence, if 1110
the weapon involved is a firearm that is either loaded or for 1111
which the offender has ammunition ready at hand, or if the 1112
weapon involved is a dangerous ordnance, the person is guilty of 1113
a misdemeanor of the second degree. 1114

(G) If a law enforcement officer stops a person to 1115
question the person regarding a possible violation of this 1116
section, for a traffic stop, or for any other law enforcement 1117
purpose, if the person surrenders a firearm to the officer, 1118
either voluntarily or pursuant to a request or demand of the 1119
officer, and if the officer does not charge the person with a 1120
violation of this section or arrest the person for any offense, 1121
the person is not otherwise prohibited by law from possessing 1122
the firearm, and the firearm is not contraband, the officer 1123
shall return the firearm to the person at the termination of the 1124
stop. If a court orders a law enforcement officer to return a 1125
firearm to a person pursuant to the requirement set forth in 1126

this division, division (B) of section 2923.163 of the Revised Code applies. 1127
1128

Sec. 2923.121. (A) No person shall possess a firearm in any room in which any person is consuming beer or intoxicating liquor in a premises for which a D permit has been issued under Chapter 4303. of the Revised Code or in an open air arena for which a permit of that nature has been issued. 1129
1130
1131
1132
1133

(B) (1) This section does not apply to any of the following: 1134
1135

(a) An officer, agent, or employee of this or any other state or the United States, or to a law enforcement officer, who is authorized to carry firearms and is acting within the scope of the officer's, agent's, or employee's duties; 1136
1137
1138
1139

(b) Any person who is employed in this state, who is authorized to carry firearms, and who is subject to and in compliance with the requirements of section 109.801 of the Revised Code, unless either of the following applies: 1140
1141
1142
1143

(i) The appointing authority of the person has expressly specified that the exemption provided in division (B) (1) (b) of this section does not apply to the person. 1144
1145
1146

(ii) The person is authorized to carry solely under section 4749.10 of the Revised Code. 1147
1148

(c) Any room used for the accommodation of guests of a hotel, as defined in section 4301.01 of the Revised Code; 1149
1150

(d) The principal holder of a D permit issued for a premises or an open air arena under Chapter 4303. of the Revised Code while in the premises or open air arena for which the permit was issued if the principal holder of the D permit also 1151
1152
1153
1154

possesses a valid concealed handgun license and as long as the 1155
principal holder is not consuming beer or intoxicating liquor or 1156
under the influence of alcohol or a drug of abuse, or any agent 1157
or employee of that holder who also is a peace officer, as 1158
defined in section 2151.3515 of the Revised Code, who is off 1159
duty, and who otherwise is authorized to carry firearms while in 1160
the course of the officer's official duties and while in the 1161
premises or open air arena for which the permit was issued and 1162
as long as the agent or employee of that holder is not consuming 1163
beer or intoxicating liquor or under the influence of alcohol or 1164
a drug of abuse. 1165

(e) Any person who is carrying a valid concealed handgun 1166
license or any person who is an active duty member of the armed 1167
forces of the United States and is carrying a valid military 1168
identification card and documentation of successful completion 1169
of firearms training that meets or exceeds the training 1170
requirements described in division (G) (1) of section 2923.125 of 1171
the Revised Code, as long as the person is not consuming beer or 1172
intoxicating liquor or under the influence of alcohol or a drug 1173
of abuse. 1174

(2) This section does not prohibit any person who is a 1175
member of a veteran's organization, as defined in section 1176
2915.01 of the Revised Code, from possessing a rifle in any room 1177
in any premises owned, leased, or otherwise under the control of 1178
the veteran's organization, if the rifle is not loaded with live 1179
ammunition and if the person otherwise is not prohibited by law 1180
from having the rifle. 1181

(3) This section does not apply to any person possessing 1182
or displaying firearms in any room used to exhibit unloaded 1183
firearms for sale or trade in a soldiers' memorial established 1184

pursuant to Chapter 345. of the Revised Code, in a convention 1185
center, or in any other public meeting place, if the person is 1186
an exhibitor, trader, purchaser, or seller of firearms and is 1187
not otherwise prohibited by law from possessing, trading, 1188
purchasing, or selling the firearms. 1189

(C) It is an affirmative defense to a charge under this 1190
section of illegal possession of a firearm in a liquor permit 1191
premises that involves the possession of a firearm other than a 1192
handgun, that the actor was not otherwise prohibited by law from 1193
having the firearm, and that any of the following apply: 1194

(1) The firearm was carried or kept ready at hand by the 1195
actor for defensive purposes, while the actor was engaged in or 1196
was going to or from the actor's lawful business or occupation, 1197
which business or occupation was of such character or was 1198
necessarily carried on in such manner or at such a time or place 1199
as to render the actor particularly susceptible to criminal 1200
attack, such as would justify a prudent person in going armed. 1201

(2) The firearm was carried or kept ready at hand by the 1202
actor for defensive purposes, while the actor was engaged in a 1203
lawful activity, and had reasonable cause to fear a criminal 1204
attack upon the actor or a member of the actor's family, or upon 1205
the actor's home, such as would justify a prudent person in 1206
going armed. 1207

(D) No person who is charged with a violation of this 1208
section shall be required to obtain a concealed handgun license 1209
as a condition for the dismissal of the charge. 1210

(E) Whoever violates this section is guilty of illegal 1211
possession of a firearm in a liquor permit premises. Except as 1212
otherwise provided in this division, illegal possession of a 1213

firearm in a liquor permit premises is a felony of the fifth 1214
degree. If the offender commits the violation of this section by 1215
knowingly carrying or having the firearm concealed on the 1216
offender's person or concealed ready at hand, illegal possession 1217
of a firearm in a liquor permit premises is a felony of the 1218
third degree. 1219

(F) As used in this section, "beer" and "intoxicating 1220
liquor" have the same meanings as in section 4301.01 of the 1221
Revised Code. 1222

Sec. 2923.122. (A) No person shall knowingly convey, or 1223
attempt to convey, a deadly weapon or dangerous ordnance into a 1224
school safety zone. 1225

(B) No person shall knowingly possess a deadly weapon or 1226
dangerous ordnance in a school safety zone. 1227

(C) No person shall knowingly possess an object in a 1228
school safety zone if both of the following apply: 1229

(1) The object is indistinguishable from a firearm, 1230
whether or not the object is capable of being fired. 1231

(2) The person indicates that the person possesses the 1232
object and that it is a firearm, or the person knowingly 1233
displays or brandishes the object and indicates that it is a 1234
firearm. 1235

(D) (1) This section does not apply to any of the 1236
following: 1237

(a) An officer, agent, or employee of this or any other 1238
state or the United States who is authorized to carry deadly 1239
weapons or dangerous ordnance and is acting within the scope of 1240
the officer's, agent's, or employee's duties, a law enforcement 1241

officer who is authorized to carry deadly weapons or dangerous 1242
ordnance, a security officer employed by a board of education or 1243
governing body of a school during the time that the security 1244
officer is on duty pursuant to that contract of employment, or 1245
any other person who has written authorization from the board of 1246
education or governing body of a school to convey deadly weapons 1247
or dangerous ordnance into a school safety zone or to possess a 1248
deadly weapon or dangerous ordnance in a school safety zone and 1249
who conveys or possesses the deadly weapon or dangerous ordnance 1250
in accordance with that authorization; 1251

(b) Any person who is employed in this state, who is 1252
authorized to carry deadly weapons or dangerous ordnance, and 1253
who is subject to and in compliance with the requirements of 1254
section 109.801 of the Revised Code, unless either of the 1255
following applies: 1256

(i) The appointing authority of the person has expressly 1257
specified that the exemption provided in division (D) (1) (b) of 1258
this section does not apply to the person. 1259

(ii) The person is authorized to carry solely under 1260
section 4749.10 of the Revised Code. 1261

(2) Division (C) of this section does not apply to 1262
premises upon which home schooling is conducted. Division (C) of 1263
this section also does not apply to a school administrator, 1264
teacher, or employee who possesses an object that is 1265
indistinguishable from a firearm for legitimate school purposes 1266
during the course of employment, a student who uses an object 1267
that is indistinguishable from a firearm under the direction of 1268
a school administrator, teacher, or employee, or any other 1269
person who with the express prior approval of a school 1270
administrator possesses an object that is indistinguishable from 1271

a firearm for a legitimate purpose, including the use of the 1272
object in a ceremonial activity, a play, reenactment, or other 1273
dramatic presentation, school safety training, or a ROTC 1274
activity or another similar use of the object. 1275

(3) This section does not apply to a person who conveys or 1276
attempts to convey a handgun into, or possesses a handgun in, a 1277
school safety zone if, at the time of that conveyance, attempted 1278
conveyance, or possession of the handgun, all of the following 1279
apply: 1280

(a) The person does not enter into a school building or 1281
onto school premises and is not at a school activity. 1282

(b) The person is carrying a valid concealed handgun 1283
license or the person is an active duty member of the armed 1284
forces of the United States and is carrying a valid military 1285
identification card and documentation of successful completion 1286
of firearms training that meets or exceeds the training 1287
requirements described in division (G)(1) of section 2923.125 of 1288
the Revised Code. 1289

(c) The person is in the school safety zone in accordance 1290
with 18 U.S.C. 922(q)(2)(B). 1291

(d) The person is not knowingly in a place described in 1292
division (B)(1) or (B)(3) to (8) of section 2923.126 of the 1293
Revised Code. 1294

(4) This section does not apply to a person who conveys or 1295
attempts to convey a handgun into, or possesses a handgun in, a 1296
school safety zone if at the time of that conveyance, attempted 1297
conveyance, or possession of the handgun all of the following 1298
apply: 1299

(a) The person is carrying a valid concealed handgun 1300

license or the person is an active duty member of the armed 1301
forces of the United States and is carrying a valid military 1302
identification card and documentation of successful completion 1303
of firearms training that meets or exceeds the training 1304
requirements described in division (G) (1) of section 2923.125 of 1305
the Revised Code. 1306

(b) The person leaves the handgun in a motor vehicle. 1307

(c) The handgun does not leave the motor vehicle. 1308

(d) If the person exits the motor vehicle, the person 1309
locks the motor vehicle. 1310

(E) (1) Whoever violates division (A) or (B) of this 1311
section is guilty of illegal conveyance or possession of a 1312
deadly weapon or dangerous ordnance in a school safety zone. 1313
Except as otherwise provided in this division, illegal 1314
conveyance or possession of a deadly weapon or dangerous 1315
ordnance in a school safety zone is a felony of the fifth 1316
degree. If the offender previously has been convicted of a 1317
violation of this section, illegal conveyance or possession of a 1318
deadly weapon or dangerous ordnance in a school safety zone is a 1319
felony of the fourth degree. 1320

(2) Whoever violates division (C) of this section is 1321
guilty of illegal possession of an object indistinguishable from 1322
a firearm in a school safety zone. Except as otherwise provided 1323
in this division, illegal possession of an object 1324
indistinguishable from a firearm in a school safety zone is a 1325
misdemeanor of the first degree. If the offender previously has 1326
been convicted of a violation of this section, illegal 1327
possession of an object indistinguishable from a firearm in a 1328
school safety zone is a felony of the fifth degree. 1329

(F) (1) In addition to any other penalty imposed upon a 1330
person who is convicted of or pleads guilty to a violation of 1331
this section and subject to division (F) (2) of this section, if 1332
the offender has not attained nineteen years of age, regardless 1333
of whether the offender is attending or is enrolled in a school 1334
operated by a board of education or for which the state board of 1335
education prescribes minimum standards under section 3301.07 of 1336
the Revised Code, the court shall impose upon the offender a 1337
class four suspension of the offender's probationary driver's 1338
license, restricted license, driver's license, commercial 1339
driver's license, temporary instruction permit, or probationary 1340
commercial driver's license that then is in effect from the 1341
range specified in division (A) (4) of section 4510.02 of the 1342
Revised Code and shall deny the offender the issuance of any 1343
permit or license of that type during the period of the 1344
suspension. 1345

If the offender is not a resident of this state, the court 1346
shall impose a class four suspension of the nonresident 1347
operating privilege of the offender from the range specified in 1348
division (A) (4) of section 4510.02 of the Revised Code. 1349

(2) If the offender shows good cause why the court should 1350
not suspend one of the types of licenses, permits, or privileges 1351
specified in division (F) (1) of this section or deny the 1352
issuance of one of the temporary instruction permits specified 1353
in that division, the court in its discretion may choose not to 1354
impose the suspension, revocation, or denial required in that 1355
division, but the court, in its discretion, instead may require 1356
the offender to perform community service for a number of hours 1357
determined by the court. 1358

(G) As used in this section, "object that is 1359

indistinguishable from a firearm" means an object made, 1360
constructed, or altered so that, to a reasonable person without 1361
specialized training in firearms, the object appears to be a 1362
firearm. 1363

Sec. 2923.123. (A) No person shall knowingly convey or 1364
attempt to convey a deadly weapon or dangerous ordnance into a 1365
courthouse or into another building or structure in which a 1366
courtroom is located. 1367

(B) No person shall knowingly possess or have under the 1368
person's control a deadly weapon or dangerous ordnance in a 1369
courthouse or in another building or structure in which a 1370
courtroom is located. 1371

(C) This section does not apply to any of the following: 1372

(1) Except as provided in division (E) of this section, a 1373
judge of a court of record of this state or a magistrate; 1374

(2) A peace officer, officer of a law enforcement agency, 1375
or person who is in either of the following categories: 1376

(a) Except as provided in division (E) of this section, a 1377
peace officer, or an officer of a law enforcement agency of 1378
another state, a political subdivision of another state, or the 1379
United States, who is authorized to carry a deadly weapon or 1380
dangerous ordnance, who possesses or has under that individual's 1381
control a deadly weapon or dangerous ordnance as a requirement 1382
of that individual's duties, and who is acting within the scope 1383
of that individual's duties at the time of that possession or 1384
control; 1385

(b) Except as provided in division (E) of this section, a 1386
person who is employed in this state, who is authorized to carry 1387
a deadly weapon or dangerous ordnance, who possesses or has 1388

under that individual's control a deadly weapon or dangerous
ordnance as a requirement of that person's duties, and who is
subject to and in compliance with the requirements of section
109.801 of the Revised Code, unless either of the following
applies:

(i) The appointing authority of the person has expressly
specified that the exemption provided in division (C) (2) (b) of
this section does not apply to the person.

(ii) The person is authorized to carry solely under
section 4749.10 of the Revised Code.

(3) A person who conveys, attempts to convey, possesses,
or has under the person's control a deadly weapon or dangerous
ordnance that is to be used as evidence in a pending criminal or
civil action or proceeding;

(4) Except as provided in division (E) of this section, a
bailiff or deputy bailiff of a court of record of this state who
is authorized to carry a firearm pursuant to section 109.77 of
the Revised Code, who possesses or has under that individual's
control a firearm as a requirement of that individual's duties,
and who is acting within the scope of that individual's duties
at the time of that possession or control;

(5) Except as provided in division (E) of this section, a
prosecutor, or a secret service officer appointed by a county
prosecuting attorney, who is authorized to carry a deadly weapon
or dangerous ordnance in the performance of the individual's
duties, who possesses or has under that individual's control a
deadly weapon or dangerous ordnance as a requirement of that
individual's duties, and who is acting within the scope of that
individual's duties at the time of that possession or control;

(6) Except as provided in division (E) of this section, a person who conveys or attempts to convey a handgun into a courthouse or into another building or structure in which a courtroom is located, who, at the time of the conveyance or attempt, either is carrying a valid concealed handgun license or is an active duty member of the armed forces of the United States and is carrying a valid military identification card and documentation of successful completion of firearms training that meets or exceeds the training requirements described in division (G) (1) of section 2923.125 of the Revised Code, and who transfers possession of the handgun to the officer or officer's designee who has charge of the courthouse or building. The officer shall secure the handgun until the licensee is prepared to leave the premises. The exemption described in this division applies only if the officer who has charge of the courthouse or building provides services of the nature described in this division. An officer who has charge of the courthouse or building is not required to offer services of the nature described in this division.

(D) (1) Whoever violates division (A) of this section is guilty of illegal conveyance of a deadly weapon or dangerous ordnance into a courthouse. Except as otherwise provided in this division, illegal conveyance of a deadly weapon or dangerous ordnance into a courthouse is a felony of the fifth degree. If the offender previously has been convicted of a violation of division (A) or (B) of this section, illegal conveyance of a deadly weapon or dangerous ordnance into a courthouse is a felony of the fourth degree.

(2) Whoever violates division (B) of this section is guilty of illegal possession or control of a deadly weapon or dangerous ordnance in a courthouse. Except as otherwise provided

in this division, illegal possession or control of a deadly 1449
weapon or dangerous ordnance in a courthouse is a felony of the 1450
fifth degree. If the offender previously has been convicted of a 1451
violation of division (A) or (B) of this section, illegal 1452
possession or control of a deadly weapon or dangerous ordnance 1453
in a courthouse is a felony of the fourth degree. 1454

(E) The exemptions described in divisions (C) (1), (2) (a), 1455
(2) (b), (4), (5), and (6) of this section do not apply to any 1456
judge, magistrate, peace officer, officer of a law enforcement 1457
agency, bailiff, deputy bailiff, prosecutor, secret service 1458
officer, or other person described in any of those divisions if 1459
a rule of superintendence or another type of rule adopted by the 1460
supreme court pursuant to Article IV, Ohio Constitution, or an 1461
applicable local rule of court prohibits all persons from 1462
conveying or attempting to convey a deadly weapon or dangerous 1463
ordnance into a courthouse or into another building or structure 1464
in which a courtroom is located or from possessing or having 1465
under one's control a deadly weapon or dangerous ordnance in a 1466
courthouse or in another building or structure in which a 1467
courtroom is located. 1468

(F) As used in this section: 1469

(1) "Magistrate" means an individual who is appointed by a 1470
court of record of this state and who has the powers and may 1471
perform the functions specified in Civil Rule 53, Criminal Rule 1472
19, or Juvenile Rule 40. 1473

(2) "Peace officer" and "prosecutor" have the same 1474
meanings as in section 2935.01 of the Revised Code. 1475

Sec. 2923.16. (A) No person shall knowingly discharge a 1476
firearm while in or on a motor vehicle. 1477

(B) No person shall knowingly transport or have a loaded 1478
firearm in a motor vehicle in such a manner that the firearm is 1479
accessible to the operator or any passenger without leaving the 1480
vehicle. 1481

(C) No person shall knowingly transport or have a firearm 1482
in a motor vehicle, unless the person may lawfully possess that 1483
firearm under applicable law of this state or the United States, 1484
the firearm is unloaded, and the firearm is carried in one of 1485
the following ways: 1486

(1) In a closed package, box, or case; 1487

(2) In a compartment that can be reached only by leaving 1488
the vehicle; 1489

(3) In plain sight and secured in a rack or holder made 1490
for the purpose; 1491

(4) If the firearm is at least twenty-four inches in 1492
overall length as measured from the muzzle to the part of the 1493
stock furthest from the muzzle and if the barrel is at least 1494
eighteen inches in length, either in plain sight with the action 1495
open or the weapon stripped, or, if the firearm is of a type on 1496
which the action will not stay open or which cannot easily be 1497
stripped, in plain sight. 1498

(D) No person shall knowingly transport or have a loaded 1499
handgun in a motor vehicle if, at the time of that 1500
transportation or possession, any of the following applies: 1501

(1) The person is under the influence of alcohol, a drug 1502
of abuse, or a combination of them. 1503

(2) The person's whole blood, blood serum or plasma, 1504
breath, or urine contains a concentration of alcohol, a listed 1505

controlled substance, or a listed metabolite of a controlled 1506
substance prohibited for persons operating a vehicle, as 1507
specified in division (A) of section 4511.19 of the Revised 1508
Code, regardless of whether the person at the time of the 1509
transportation or possession as described in this division is 1510
the operator of or a passenger in the motor vehicle. 1511

(E) No person who has been issued a concealed handgun 1512
license or who is an active duty member of the armed forces of 1513
the United States and is carrying a valid military 1514
identification card and documentation of successful completion 1515
of firearms training that meets or exceeds the training 1516
requirements described in division (G) (1) of section 2923.125 of 1517
the Revised Code, who is the driver or an occupant of a motor 1518
vehicle that is stopped as a result of a traffic stop or a stop 1519
for another law enforcement purpose or is the driver or an 1520
occupant of a commercial motor vehicle that is stopped by an 1521
employee of the motor carrier enforcement unit for the purposes 1522
defined in section 5503.34 of the Revised Code, and who is 1523
transporting or has a loaded handgun in the motor vehicle or 1524
commercial motor vehicle in any manner, shall do any of the 1525
following: 1526

(1) Fail to promptly inform any law enforcement officer 1527
who approaches the vehicle while stopped that the person has 1528
been issued a concealed handgun license or is authorized to 1529
carry a concealed handgun as an active duty member of the armed 1530
forces of the United States and that the person then possesses 1531
or has a loaded handgun in the motor vehicle; 1532

(2) Fail to promptly inform the employee of the unit who 1533
approaches the vehicle while stopped that the person has been 1534
issued a concealed handgun license or is authorized to carry a 1535

concealed handgun as an active duty member of the armed forces 1536
of the United States and that the person then possesses or has a 1537
loaded handgun in the commercial motor vehicle; 1538

(3) Knowingly fail to remain in the motor vehicle while 1539
stopped or knowingly fail to keep the person's hands in plain 1540
sight at any time after any law enforcement officer begins 1541
approaching the person while stopped and before the law 1542
enforcement officer leaves, unless the failure is pursuant to 1543
and in accordance with directions given by a law enforcement 1544
officer; 1545

(4) Knowingly have contact with the loaded handgun by 1546
touching it with the person's hands or fingers in the motor 1547
vehicle at any time after the law enforcement officer begins 1548
approaching and before the law enforcement officer leaves, 1549
unless the person has contact with the loaded handgun pursuant 1550
to and in accordance with directions given by the law 1551
enforcement officer; 1552

(5) Knowingly disregard or fail to comply with any lawful 1553
order of any law enforcement officer given while the motor 1554
vehicle is stopped, including, but not limited to, a specific 1555
order to the person to keep the person's hands in plain sight. 1556

(F) (1) Divisions (A), (B), (C), and (E) of this section do 1557
not apply to any of the following: 1558

(a) An officer, agent, or employee of this or any other 1559
state or the United States, or a law enforcement officer, when 1560
authorized to carry or have loaded or accessible firearms in 1561
motor vehicles and acting within the scope of the officer's, 1562
agent's, or employee's duties; 1563

(b) Any person who is employed in this state, who is 1564

authorized to carry or have loaded or accessible firearms in 1565
motor vehicles, and who is subject to and in compliance with the 1566
requirements of section 109.801 of the Revised Code, unless 1567
either of the following applies: 1568

(i) The appointing authority of the person has expressly 1569
specified that the exemption provided in division (F) (1) (b) of 1570
this section does not apply to the person. 1571

(ii) The person is authorized to carry solely under 1572
section 4749.10 of the Revised Code. 1573

(2) Division (A) of this section does not apply to a 1574
person if all of the following circumstances apply: 1575

(a) The person discharges a firearm from a motor vehicle 1576
at a coyote or groundhog, the discharge is not during the deer 1577
gun hunting season as set by the chief of the division of 1578
wildlife of the department of natural resources, and the 1579
discharge at the coyote or groundhog, but for the operation of 1580
this section, is lawful. 1581

(b) The motor vehicle from which the person discharges the 1582
firearm is on real property that is located in an unincorporated 1583
area of a township and that either is zoned for agriculture or 1584
is used for agriculture. 1585

(c) The person owns the real property described in 1586
division (F) (2) (b) of this section, is the spouse or a child of 1587
another person who owns that real property, is a tenant of 1588
another person who owns that real property, or is the spouse or 1589
a child of a tenant of another person who owns that real 1590
property. 1591

(d) The person does not discharge the firearm in any of 1592
the following manners: 1593

- (i) While under the influence of alcohol, a drug of abuse,
or alcohol and a drug of abuse; 1594
1595
- (ii) In the direction of a street, highway, or other 1596
public or private property used by the public for vehicular 1597
traffic or parking; 1598
- (iii) At or into an occupied structure that is a permanent 1599
or temporary habitation; 1600
- (iv) In the commission of any violation of law, including, 1601
but not limited to, a felony that includes, as an essential 1602
element, purposely or knowingly causing or attempting to cause 1603
the death of or physical harm to another and that was committed 1604
by discharging a firearm from a motor vehicle. 1605
- (3) Division (A) of this section does not apply to a 1606
person if all of the following apply: 1607
- (a) The person possesses a valid electric-powered all- 1608
purpose vehicle permit issued under section 1533.103 of the 1609
Revised Code by the chief of the division of wildlife. 1610
- (b) The person discharges a firearm at a wild quadruped or 1611
game bird as defined in section 1531.01 of the Revised Code 1612
during the open hunting season for the applicable wild quadruped 1613
or game bird. 1614
- (c) The person discharges a firearm from a stationary 1615
electric-powered all-purpose vehicle as defined in section 1616
1531.01 of the Revised Code or a motor vehicle that is parked on 1617
a road that is owned or administered by the division of 1618
wildlife, provided that the road is identified by an electric- 1619
powered all-purpose vehicle sign. 1620
- (d) The person does not discharge the firearm in any of 1621

the following manners: 1622

(i) While under the influence of alcohol, a drug of abuse, 1623
or alcohol and a drug of abuse; 1624

(ii) In the direction of a street, a highway, or other 1625
public or private property that is used by the public for 1626
vehicular traffic or parking; 1627

(iii) At or into an occupied structure that is a permanent 1628
or temporary habitation; 1629

(iv) In the commission of any violation of law, including, 1630
but not limited to, a felony that includes, as an essential 1631
element, purposely or knowingly causing or attempting to cause 1632
the death of or physical harm to another and that was committed 1633
by discharging a firearm from a motor vehicle. 1634

(4) Divisions (B) and (C) of this section do not apply to 1635
a person if all of the following circumstances apply: 1636

(a) At the time of the alleged violation of either of 1637
those divisions, the person is the operator of or a passenger in 1638
a motor vehicle. 1639

(b) The motor vehicle is on real property that is located 1640
in an unincorporated area of a township and that either is zoned 1641
for agriculture or is used for agriculture. 1642

(c) The person owns the real property described in 1643
division (D) (4) (b) of this section, is the spouse or a child of 1644
another person who owns that real property, is a tenant of 1645
another person who owns that real property, or is the spouse or 1646
a child of a tenant of another person who owns that real 1647
property. 1648

(d) The person, prior to arriving at the real property 1649

described in division (D) (4) (b) of this section, did not 1650
transport or possess a firearm in the motor vehicle in a manner 1651
prohibited by division (B) or (C) of this section while the 1652
motor vehicle was being operated on a street, highway, or other 1653
public or private property used by the public for vehicular 1654
traffic or parking. 1655

(5) Divisions (B) and (C) of this section do not apply to 1656
a person who transports or possesses a handgun in a motor 1657
vehicle if, at the time of that transportation or possession, 1658
both of the following apply: 1659

(a) The person transporting or possessing the handgun is 1660
either carrying a valid concealed handgun license or is an 1661
active duty member of the armed forces of the United States and 1662
is carrying a valid military identification card and 1663
documentation of successful completion of firearms training that 1664
meets or exceeds the training requirements described in division 1665
(G) (1) of section 2923.125 of the Revised Code. 1666

(b) The person transporting or possessing the handgun is 1667
not knowingly in a place described in division (B) of section 1668
2923.126 of the Revised Code. 1669

(6) Divisions (B) and (C) of this section do not apply to 1670
a person if all of the following apply: 1671

(a) The person possesses a valid electric-powered all- 1672
purpose vehicle permit issued under section 1533.103 of the 1673
Revised Code by the chief of the division of wildlife. 1674

(b) The person is on or in an electric-powered all-purpose 1675
vehicle as defined in section 1531.01 of the Revised Code or a 1676
motor vehicle during the open hunting season for a wild 1677
quadruped or game bird. 1678

(c) The person is on or in an electric-powered all-purpose 1679
vehicle as defined in section 1531.01 of the Revised Code or a 1680
motor vehicle that is parked on a road that is owned or 1681
administered by the division of wildlife, provided that the road 1682
is identified by an electric-powered all-purpose vehicle sign. 1683

(7) Nothing in this section prohibits or restricts a 1684
person from possessing, storing, or leaving a firearm in a 1685
locked motor vehicle that is parked in the state underground 1686
parking garage at the state capitol building or in the parking 1687
garage at the Riffe center for government and the arts in 1688
Columbus, if the person's transportation and possession of the 1689
firearm in the motor vehicle while traveling to the premises or 1690
facility was not in violation of division (A), (B), (C), (D), or 1691
(E) of this section or any other provision of the Revised Code. 1692

(G) (1) The affirmative defenses authorized in divisions 1693
(D) (1) and (2) of section 2923.12 of the Revised Code are 1694
affirmative defenses to a charge under division (B) or (C) of 1695
this section that involves a firearm other than a handgun. 1696

(2) It is an affirmative defense to a charge under 1697
division (B) or (C) of this section of improperly handling 1698
firearms in a motor vehicle that the actor transported or had 1699
the firearm in the motor vehicle for any lawful purpose and 1700
while the motor vehicle was on the actor's own property, 1701
provided that this affirmative defense is not available unless 1702
the person, immediately prior to arriving at the actor's own 1703
property, did not transport or possess the firearm in a motor 1704
vehicle in a manner prohibited by division (B) or (C) of this 1705
section while the motor vehicle was being operated on a street, 1706
highway, or other public or private property used by the public 1707
for vehicular traffic. 1708

(H) (1) No person who is charged with a violation of 1709
division (B), (C), or (D) of this section shall be required to 1710
obtain a concealed handgun license as a condition for the 1711
dismissal of the charge. 1712

(2) (a) If a person is convicted of, was convicted of, 1713
pleads guilty to, or has pleaded guilty to a violation of 1714
division (E) of this section as it existed prior to September 1715
30, 2011, and if the conduct that was the basis of the violation 1716
no longer would be a violation of division (E) of this section 1717
on or after September 30, 2011, the person may file an 1718
application under section 2953.37 of the Revised Code requesting 1719
the expungement of the record of conviction. 1720

If a person is convicted of, was convicted of, pleads 1721
guilty to, or has pleaded guilty to a violation of division (B) 1722
or (C) of this section as the division existed prior to 1723
September 30, 2011, and if the conduct that was the basis of the 1724
violation no longer would be a violation of division (B) or (C) 1725
of this section on or after September 30, 2011, due to the 1726
application of division (F) (5) of this section as it exists on 1727
and after September 30, 2011, the person may file an application 1728
under section 2953.37 of the Revised Code requesting the 1729
expungement of the record of conviction. 1730

(b) The attorney general shall develop a public media 1731
advisory that summarizes the expungement procedure established 1732
under section 2953.37 of the Revised Code and the offenders 1733
identified in division (H) (2) (a) of this section who are 1734
authorized to apply for the expungement. Within thirty days 1735
after September 30, 2011, the attorney general shall provide a 1736
copy of the advisory to each daily newspaper published in this 1737
state and each television station that broadcasts in this state. 1738

The attorney general may provide the advisory in a tangible 1739
form, an electronic form, or in both tangible and electronic 1740
forms. 1741

(I) Whoever violates this section is guilty of improperly 1742
handling firearms in a motor vehicle. Violation of division (A) 1743
of this section is a felony of the fourth degree. Violation of 1744
division (C) of this section is a misdemeanor of the fourth 1745
degree. A violation of division (D) of this section is a felony 1746
of the fifth degree or, if the loaded handgun is concealed on 1747
the person's person, a felony of the fourth degree. Except as 1748
otherwise provided in this division, a violation of division (E) 1749
(1) or (2) of this section is a misdemeanor of the first degree, 1750
and, in addition to any other penalty or sanction imposed for 1751
the violation, the offender's concealed handgun license shall be 1752
suspended pursuant to division (A)(2) of section 2923.128 of the 1753
Revised Code. If at the time of the stop of the offender for a 1754
traffic stop, for another law enforcement purpose, or for a 1755
purpose defined in section 5503.34 of the Revised Code that was 1756
the basis of the violation any law enforcement officer involved 1757
with the stop or the employee of the motor carrier enforcement 1758
unit who made the stop had actual knowledge of the offender's 1759
status as a licensee, a violation of division (E)(1) or (2) of 1760
this section is a minor misdemeanor, and the offender's 1761
concealed handgun license shall not be suspended pursuant to 1762
division (A)(2) of section 2923.128 of the Revised Code. A 1763
violation of division (E)(4) of this section is a felony of the 1764
fifth degree. A violation of division (E)(3) or (5) of this 1765
section is a misdemeanor of the first degree or, if the offender 1766
previously has been convicted of or pleaded guilty to a 1767
violation of division (E)(3) or (5) of this section, a felony of 1768
the fifth degree. In addition to any other penalty or sanction 1769

imposed for a misdemeanor violation of division (E) (3) or (5) of 1770
this section, the offender's concealed handgun license shall be 1771
suspended pursuant to division (A) (2) of section 2923.128 of the 1772
Revised Code. A violation of division (B) of this section is a 1773
felony of the fourth degree. 1774

(J) If a law enforcement officer stops a motor vehicle for 1775
a traffic stop or any other purpose, if any person in the motor 1776
vehicle surrenders a firearm to the officer, either voluntarily 1777
or pursuant to a request or demand of the officer, and if the 1778
officer does not charge the person with a violation of this 1779
section or arrest the person for any offense, the person is not 1780
otherwise prohibited by law from possessing the firearm, and the 1781
firearm is not contraband, the officer shall return the firearm 1782
to the person at the termination of the stop. If a court orders 1783
a law enforcement officer to return a firearm to a person 1784
pursuant to the requirement set forth in this division, division 1785
(B) of section 2923.163 of the Revised Code applies. 1786

(K) As used in this section: 1787

(1) "Motor vehicle," "street," and "highway" have the same 1788
meanings as in section 4511.01 of the Revised Code. 1789

(2) "Occupied structure" has the same meaning as in 1790
section 2909.01 of the Revised Code. 1791

(3) "Agriculture" has the same meaning as in section 1792
519.01 of the Revised Code. 1793

(4) "Tenant" has the same meaning as in section 1531.01 of 1794
the Revised Code. 1795

(5) (a) "Unloaded" means, with respect to a firearm other 1796
than a firearm described in division (K) (6) of this section, 1797
that no ammunition is in the firearm in question, no magazine or 1798

speed loader containing ammunition is inserted into the firearm 1799
in question, and one of the following applies: 1800

(i) There is no ammunition in a magazine or speed loader 1801
that is in the vehicle in question and that may be used with the 1802
firearm in question. 1803

(ii) Any magazine or speed loader that contains ammunition 1804
and that may be used with the firearm in question is stored in a 1805
compartment within the vehicle in question that cannot be 1806
accessed without leaving the vehicle or is stored in a container 1807
that provides complete and separate enclosure. 1808

(b) For the purposes of division (K) (5) (a) (ii) of this 1809
section, a "container that provides complete and separate 1810
enclosure" includes, but is not limited to, any of the 1811
following: 1812

(i) A package, box, or case with multiple compartments, as 1813
long as the loaded magazine or speed loader and the firearm in 1814
question either are in separate compartments within the package, 1815
box, or case, or, if they are in the same compartment, the 1816
magazine or speed loader is contained within a separate 1817
enclosure in that compartment that does not contain the firearm 1818
and that closes using a snap, button, buckle, zipper, hook and 1819
loop closing mechanism, or other fastener that must be opened to 1820
access the contents or the firearm is contained within a 1821
separate enclosure of that nature in that compartment that does 1822
not contain the magazine or speed loader; 1823

(ii) A pocket or other enclosure on the person of the 1824
person in question that closes using a snap, button, buckle, 1825
zipper, hook and loop closing mechanism, or other fastener that 1826
must be opened to access the contents. 1827

(c) For the purposes of divisions (K) (5) (a) and (b) of 1828
this section, ammunition held in stripper-clips or in en-bloc 1829
clips is not considered ammunition that is loaded into a 1830
magazine or speed loader. 1831

(6) "Unloaded" means, with respect to a firearm employing 1832
a percussion cap, flintlock, or other obsolete ignition system, 1833
when the weapon is uncapped or when the priming charge is 1834
removed from the pan. 1835

(7) "Commercial motor vehicle" has the same meaning as in 1836
division (A) of section 4506.25 of the Revised Code. 1837

(8) "Motor carrier enforcement unit" means the motor 1838
carrier enforcement unit in the department of public safety, 1839
division of state highway patrol, that is created by section 1840
5503.34 of the Revised Code. 1841

(L) Divisions (K) (5) (a) and (b) of this section do not 1842
affect the authority of a person who is carrying a valid 1843
concealed handgun license to have one or more magazines or speed 1844
loaders containing ammunition anywhere in a vehicle, without 1845
being transported as described in those divisions, as long as no 1846
ammunition is in a firearm, other than a handgun, in the vehicle 1847
other than as permitted under any other provision of this 1848
chapter. A person who is carrying a valid concealed handgun 1849
license may have one or more magazines or speed loaders 1850
containing ammunition anywhere in a vehicle without further 1851
restriction, as long as no ammunition is in a firearm, other 1852
than a handgun, in the vehicle other than as permitted under any 1853
provision of this chapter. 1854

Sec. 3705.23. (A) (1) Except as otherwise provided in this 1855
section, the director of health, the state registrar, or a local 1856

registrar, on receipt of a signed application and the fee 1857
specified in section 3705.24 of the Revised Code, shall issue a 1858
certified copy of a vital record, or of a part of a vital 1859
record, in the director's or registrar's custody to any 1860
applicant, unless the vital record has ceased to be a public 1861
record pursuant to section 3705.09, 3705.11, 3705.12, 3705.121, 1862
3705.122, 3705.123, 3705.124, or 3705.15 of the Revised Code. 1863
The certified copy shall show the date the vital record was 1864
registered by the local registrar. 1865

(2) A certified copy of a vital record may be made by a 1866
mechanical, electronic, or other reproduction process. It shall 1867
be certified as a true copy by the director, state registrar, or 1868
local registrar who has custody of the record and shall include 1869
the date of issuance, the name of the issuing officer, the 1870
signature of the officer or an authorized facsimile of the 1871
signature, and the seal of the issuing office. 1872

(3) A certified copy of a vital record or of any part of a 1873
vital record, issued in accordance with this section, shall be 1874
considered for all purposes the same as the original and shall 1875
be prima-facie evidence of the facts stated in it in all courts 1876
and places. 1877

(4) (a) Information contained in the "information for 1878
medical and health use only" section of a birth record shall not 1879
be included as part of a certified copy of the birth record 1880
unless the information specifically is requested by the 1881
individual to whose birth the record attests, either of the 1882
individual's parents or the individual's guardian, a lineal 1883
descendant, or an official of the federal or state government or 1884
of a political subdivision of the state charged by law with 1885
detecting or prosecuting crime. 1886

(b) Except as provided in division (A) (4) (a) of this section, neither the office of vital statistics nor a local registrar shall disclose information contained in the "information for medical and health use only" section of a birth record unless a court, for good cause shown, orders disclosure of the information or the state registrar specifically authorizes release of the information for statistical or research purposes under conditions the state registrar, subject to the approval of the director of health, shall establish by rule.

(5) For the first five years after a decedent's death, a decedent's social security number shall not be included on a certified copy of the decedent's death certificate unless that information is specifically requested to be on the certified copy by one of the following who presents proof satisfactory to the director, state registrar, or local registrar of the person's identity:

(a) The decedent's spouse;

(b) A county veterans service officer employed under section 5901.07 of the Revised Code;

(c) An official specified in division (A), (B), or (C) of section 9.15 of the Revised Code who is authorized to cause the burial or cremation of a dead person as described in that section;

(d) An agent of an officer or official described in division (A) (5) (b) or (c) of this section, but only if the agent presents either of the following indicating the agent's status as the officer's or official's agent:

(i) Photographic identification, such as an employment

badge;	1916
(ii) A signed and dated letter on the officer's or official's letterhead.	1917 1918
(e) A lineal descendant of the decedent;	1919
(f) An individual with a class A or B license to engage in the business of private investigation issued under section <u>sections 4749.03 to 4749.034</u> of the Revised Code;	1920 1921 1922
(g) An official of the federal or state government or of a political subdivision of the state charged by law with detecting or prosecuting crime;	1923 1924 1925
(h) An individual engaged in the work of, or connected with, or employed by, any media organization or media association for the purpose of gathering, procuring, compiling, editing, disseminating, or publishing news;	1926 1927 1928 1929
(i) The executor or administrator of the decedent's estate, or an attorney representing the executor or administrator;	1930 1931 1932
(j) An agent, as defined in section 1337.22 of the Revised Code, of the decedent, when the decedent had been the principal under a power of attorney created pursuant to sections 1337.21 to 1337.64 of the Revised Code;	1933 1934 1935 1936
(k) The adult, or any adult in a group of adults, serving as the representative or successor representative under a written declaration the decedent executed pursuant to section 2108.70 of the Revised Code;	1937 1938 1939 1940
(l) A licensed funeral director, or an employee or agent of that individual, who requests a certified copy of the decedent's death certificate on behalf of a person described in	1941 1942 1943

division (A) (5) of this section other than a person described in 1944
division (A) (5) (g) of this section; 1945

(m) Any person who is authorized by law to act on behalf 1946
of the decedent or the decedent's estate but is not listed in 1947
divisions (A) (5) (a) to (l) of this section. 1948

(B) (1) Unless the applicant specifically requests a 1949
certified copy, the director, the state registrar, or a local 1950
registrar, on receipt of a signed application for a birth record 1951
and the fee specified in section 3705.24 of the Revised Code, 1952
may issue a certification of birth, and the certification of 1953
birth shall contain at least the name, sex, date of birth, 1954
registration date, and place of birth of the person to whose 1955
birth the record attests and shall attest that the person's 1956
birth has been registered. A certification of birth shall be 1957
prima-facie evidence of the facts stated in it in all courts and 1958
places. 1959

(2) The director or state registrar, on receipt of a 1960
signed application for an heirloom certification of birth and 1961
the fee specified in section 3705.24 of the Revised Code, may 1962
issue an heirloom certification of birth. The director shall 1963
prescribe by rule guidelines for the form of an heirloom 1964
certification of birth, and the guidelines shall require the 1965
heirloom certification of birth to contain at least the name, 1966
sex, date of birth, registration date, and place of birth of the 1967
person to whose birth the record attests and to attest that the 1968
person's birth has been registered. An heirloom certification of 1969
birth shall be prima-facie evidence of the facts stated in it in 1970
all courts and places. 1971

(3) (a) The director or state registrar, on receipt of an 1972
application signed by either parent, shall issue a certificate 1973

that recognizes the delivery of a stillborn infant. The director 1974
or state registrar shall not charge a fee for the certificate. 1975
The certificate is not proof of a live birth for purposes of 1976
federal, state, and local taxes. 1977

The certificate shall contain the infant's name and sex, 1978
the date of delivery, and the place of delivery. The certificate 1979
shall not contain the word "stillborn" or "stillbirth" or any 1980
other words having the same or a similar meaning. The director 1981
may prescribe by rule any other standards regarding the form of 1982
the certificate. 1983

(b) If, prior to June 3, 2014, a parent obtained a 1984
certificate that contains the word "stillborn" or "stillbirth" 1985
or any other words having the same or a similar meaning, the 1986
parent may submit to the director or state registrar a written 1987
request for issuance of a certificate that meets the conditions 1988
specified in division (B) (3) (a) of this section. On receipt of 1989
the request, the director or state registrar shall issue the 1990
certificate. 1991

(C) On evidence that a birth certificate was registered 1992
through misrepresentation or fraud, the state registrar may 1993
withhold the issuance of a certified copy of the birth record or 1994
a certification of birth until a court makes a determination 1995
that no misrepresentation or fraud occurred. 1996

Sec. 4749.01. As used in this chapter: 1997

(A) "Private investigator" means any person who engages in 1998
the business of private investigation. 1999

(B) "Business of private investigation" means, except when 2000
performed by one ~~excluded under division (H) of this section~~ 2001
exempt by law, the conducting, furnishing for hire, in person or 2002

through a partner or employees, of any investigation relevant to	2003
<u>persons to do any of the following:</u>	2004
(1) Investigate any crime or wrong done or threatened, or	2005
to obtain ;	2006
<u>(2) Obtain information on the identity, habits, conduct,</u>	2007
movements, whereabouts, affiliations, transactions, reputation,	2008
credibility, or character of any person, or to locate ;	2009
<u>(3) Locate and recover lost or stolen property, or to</u>	2010
determine ;	2011
<u>(4) Determine the cause of or responsibility for any libel</u>	2012
or slander, or any fire, accident, or damage to property, or to	2013
secure ;	2014
<u>(5) Secure evidence for use in any legislative,</u>	2015
administrative, or judicial investigation or proceeding.	2016
(C) "Security guard provider" means any person who engages	2017
in the business of security services.	2018
(D) "Business of security services" means either of the	2019
following:	2020
(1) Furnishing, furnishing for hire, watchpersons, guards,	2021
guard dogs, armored motor vehicle security services, private	2022
patrol officers, or other persons whose primary duties are to	2023
protect do either of the following:	2024
<u>(1) Protect persons or property;</u>	2025
(2) Furnishing, for hire, guard dogs, or armored motor	2026
vehicle security services, in connection with the protection of	2027
persons or property from injury or harm, or for any other	2028
purpose including deterring, observing, detecting, or reporting	2029

incidents or activities for the purpose of preventing theft, or 2030
the unlawful taking, conversion, concealment, or 2031
misappropriation of goods, wares, merchandise, or any valuable 2032
instrument; 2033

(2) Deter, observe, detect, or report incidents and 2034
activities for the purpose of preventing any unauthorized access 2035
or entry, violation of organizational rules, or unlawful 2036
activity. 2037

(E) "Class A license" means a license issued under ~~section~~ 2038
sections 4749.03 to 4749.034 of the Revised Code that qualifies 2039
the person issued the license to engage in the business of 2040
private investigation and the business of security services. 2041

(F) "Class B license" means a license issued under ~~section~~ 2042
sections 4749.03 to 4749.034 of the Revised Code that qualifies 2043
the person issued the license to engage only in the business of 2044
private investigation. 2045

(G) "Class C license" means a license issued under ~~section~~ 2046
sections 4749.03 to 4749.034 of the Revised Code that qualifies 2047
the person issued the license to engage only in the business of 2048
security services. 2049

(H) "Crime of moral turpitude" has the same meaning as in 2050
section 4776.10 of the Revised Code. 2051

(I) "Disqualifying offense" has the same meaning as in 2052
section 4776.10 of the Revised Code. 2053

(J) "Employee" means every person who may be required or 2054
directed by any employer, in consideration of direct or indirect 2055
gain or profit, to engage in any employment, or to go, work, or 2056
be present at any time in any place of employment, provided that 2057
the employer of the employee deducts all applicable state and 2058

federal employment taxes on behalf of the employee. 2059

(K) "Licensee" means the holder of a class A, B, or C 2060
license issued under sections 4749.03 to 4749.034 of the Revised 2061
Code. 2062

(L) "Private investigator," "business of private 2063
investigation," "security guard provider," and "business of 2064
security services" do not include: 2065

(1) Public officers and employees whose official duties 2066
require them to engage in investigatory activities of the United 2067
States, this state, or any other state, or any political 2068
subdivision thereof, when in performance of their official 2069
duties; 2070

(2) Attorneys at law or any expert hired by an attorney at 2071
law for consultation or litigation purposes. Persons and their 2072
employees holding a professional license certification or 2073
registration under Title XLVII of the Revised Code, when such 2074
persons are providing services pursuant to the authority granted 2075
to that profession by law; 2076

(3) A consumer reporting agency, as defined in the "Fair 2077
Credit Reporting Act," 84 Stat. 1128, 15 U.S.C.A. 1681a, as 2078
amended, provided that the consumer reporting agency is in 2079
compliance with the requirements of that act and that the 2080
agency's activities are confined to any of the following: 2081

(a) The issuance of consumer credit reports; 2082

(b) The conducting of limited background investigations 2083
that pertain only to a client's prospective tenant and that are 2084
engaged in with the prior written consent of the prospective 2085
tenant; 2086

(c) The business of pre-employment background 2087
investigation. As used in division ~~(H)~~(L) (3) (c) of this section, 2088
"business of pre-employment background investigation" means, and 2089
is limited to, furnishing for hire, in person or through a 2090
partner or employees, the conducting of limited background 2091
investigations, in-person interviews, telephone interviews, or 2092
written inquiries that pertain only to a client's prospective 2093
employee and the employee's employment and that are engaged in 2094
with the prior written consent of the prospective employee. 2095

(4) Any local, state, or federal law enforcement officer 2096
when either of the following apply: 2097

(a) The officer is engaged in the officer's official 2098
duties including mutual aid as described in section 2744.02 of 2099
the Revised Code. 2100

(b) The officer is performing special duty activities 2101
authorized and approved by the law enforcement officer's 2102
superiors within the law enforcement officer's jurisdiction or 2103
outside the law enforcement officer's jurisdiction through 2104
requested mutual aid or pursuant to advance authorization from 2105
the chief law enforcement officer of the outside jurisdiction. 2106

(5) Attorneys at law or any expert retained by an attorney 2107
at law for consultation or litigation purposes who qualifies as 2108
an expert under the federal rules of evidence or the Ohio rules 2109
of evidence; 2110

(6) Certified public insurance adjusters that hold a 2111
certificate of authority issued pursuant to sections 3951.01 to 2112
3951.09 of the Revised Code, while the adjuster is investigating 2113
the cause of or responsibility for a fire, accident, or other 2114
damage to property with respect to a claim or claims for loss or 2115

damage under a policy of insurance covering real or personal property; 2116
2117

~~(5)~~ (7) Personnel placement services and persons who act as employees of such entities engaged in investigating matters related to personnel placement activities; 2118
2119
2120

~~(6)~~ (8) An employee in the regular course of the employee's employment, engaged in investigating matters pertinent to the business of the employee's employer or protecting ~~property in the possession of the~~ employer's employer, provided the business invitees or tenants, or property in possession of the employee's employer if both of the following apply: 2121
2122
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2127

(a) The employer is deducting all applicable state and federal employment taxes on behalf of the employee ~~and neither~~. 2128
2129

(b) Neither the employer nor the employee is employed by, associated with, or acting for or on behalf of any private investigator or security guard provider~~r~~. 2130
2131
2132

~~(7)~~ (9) Any better business bureau or similar organization or any of its employees while engaged in the maintenance of the quality of business activities relating to consumer sales and services; 2133
2134
2135
2136

~~(8)~~ An accountant who is registered or certified under Chapter 4701. of the Revised Code or any of the accountant's employees while engaged in activities for which the accountant is certified or registered; 2137
2138
2139
2140

~~(9)~~ (10) Persons engaged solely in the remote monitoring of audio, video, and other event or alarm signals and then dispatching public safety or security personnel; 2141
2142
2143

(11) Any person who, for hire or otherwise, conducts 2144
genealogical research in this state. 2145

As used in division ~~(H) (9)~~ (L) (11) of this section, 2146
"genealogical research" means the determination of the origins 2147
and descent of families, including the identification of 2148
individuals, their family relationships, and the biographical 2149
details of their lives. "Genealogical research" does not include 2150
furnishing for hire services for locating missing persons or 2151
natural or birth parents or children. 2152

~~(10)~~ (12) Any person residing in this state who conducts 2153
research for the purpose of locating the last known owner of 2154
unclaimed funds, provided that the person is in compliance with 2155
Chapter 169. of the Revised Code and rules adopted thereunder. 2156
~~The This exemption set forth in division (H) (10) of this section~~ 2157
applies only to the extent that the person is conducting 2158
research for the purpose of locating the last known owner of 2159
unclaimed funds. 2160

As used in division ~~(H) (10)~~ (L) (12) of this section, 2161
"owner" and "unclaimed funds" have the same meanings as in 2162
section 169.01 of the Revised Code. 2163

~~(11) A professional engineer who is registered under~~ 2164
~~Chapter 4733. of the Revised Code or any of his employees.~~ 2165

~~As used in division (H) (11) of this section and~~ 2166
~~notwithstanding division (I) of this section, "employee" has the~~ 2167
~~same meaning as in section 4101.01 of the Revised Code.~~ 2168

~~(12)~~ (13) Any person residing in this state who, for hire 2169
or otherwise, conducts research for the purpose of locating 2170
persons to whom the state of Ohio owes money in the form of 2171
warrants, as defined in division (S) of section 131.01 of the 2172

Revised Code, that the state voided but subsequently reissues-; 2173

~~(13)~~(14) An independent insurance adjuster who, as an 2174
individual, an independent contractor, an employee of an 2175
independent contractor, adjustment bureau association, 2176
corporation, insurer, partnership, local recording agent, 2177
managing general agent, or self-insurer, engages in the business 2178
of independent insurance adjustment, or any person who 2179
supervises the handling of claims except while acting as an 2180
employee of an insurer licensed in this state while handling 2181
claims pertaining to specific policies written by that insurer. 2182

As used in division ~~(H)~~(L) ~~(13)~~(14) of this section, 2183
"independent insurance adjustment" means conducting 2184
investigations to determine the cause of or circumstances 2185
concerning a fire, accident, bodily injury, or damage to real or 2186
personal property; determining the extent of damage of that 2187
fire, accident, injury, or property damage; securing evidence 2188
for use in a legislative, administrative, or judicial 2189
investigation or proceeding, adjusting losses; and adjusting or 2190
settling claims, including the investigation, adjustment, 2191
denial, establishment of damages, negotiation, settlement, or 2192
payment of claims in connection with insurance contractors, 2193
self-insured programs, or other similar insurance programs. 2194

"Independent adjuster" does not include either of the following: 2195

(a) An attorney who adjusts insurance losses incidental to 2196
the practice of law and who does not advertise or represent that 2197
the attorney is an independent insurance adjuster; 2198

(b) A licensed agent or general agent of an insurer 2199
licensed in this state who processes undisputed or uncontested 2200
losses for insurers under policies issued by that agent or 2201
general agent. 2202

~~(14) Except for a commissioned peace officer who engages
in the business of private investigation or compensates others
who engage in the business of private investigation or the
business of security services or both, any commissioned peace
officer as defined in division (B) of section 2935.01 of the
Revised Code.~~

~~(I) "Employee" means every person who may be required or
directed by any employer, in consideration of direct or indirect
gain or profit, to engage in any employment, or to go, or work,
or be at any time in any place of employment, provided that the
employer of the employee deducts all applicable state and
federal employment taxes on behalf of the employee.~~ (M) "Person"
includes an individual, firm, partnership, association, joint
stock company, corporation, and any combination of individuals.

(N) "Qualifying agent" means an individual designated in
writing under sections 4749.03 to 4749.034 of the Revised Code
who meets certain minimum requirements for licensure on behalf
of the person applying for a license and who is responsible for
accepting service of process, notice, or demand on behalf of the
licensee and ensuring the licensee's compliance with this
chapter and its accompanying rules.

(O) "Registrant" means a qualifying agent or any
individual registered in accordance with section 4749.06 of the
Revised Code as a private investigator, security guard, or both.

(P) "Security provider," "security guard provider,"
"private investigator provider," and "private investigator" mean
any business licensed under this chapter to engage in the
business of private investigation, security services, or both.

(Q) "Business" means a person that is not an individual.

(R) "Peace officer" has the same meaning as in section 2232
2935.01 of the Revised Code. 2233

(S) "Firearm" has the same meaning as in section 2923.11 2234
of the Revised Code. 2235

Sec. 4749.02. The director of public safety shall 2236
administer this chapter, and for that purpose, may appoint 2237
employees and adopt rules that the director considers necessary. 2238

~~The director shall implement electronic licensing and~~ 2239
~~registration procedures under this chapter not later than~~ 2240
~~December 31, 2006. The application procedures in effect on the~~ 2241
~~effective date of this amendment shall continue until such time~~ 2242
~~as electronic licensing and registration procedures are~~ 2243
~~implemented.~~ The director shall devise an examination to test 2244
the competency of each qualifying agent as a private 2245
investigator, security guard, or both. Unless the director has 2246
waived the examination requirement under section 4749.032 of the 2247
Revised Code, at least one qualifying agent of each applicant 2248
must pass the examination. 2249

Sec. 4749.021. (A) There is hereby created the Ohio 2250
private investigation and security services commission, 2251
consisting of the director of public safety or the director's 2252
designee, who shall be a nonvoting member; the superintendent of 2253
the highway patrol or the superintendent's designee, who shall 2254
be a voting member; and twelve members appointed by the governor 2255
with the advice and consent of the senate, as follows: 2256

(1) Three members shall be owners or operators of a 2257
business that maintains a class A license and shall have at 2258
least five years' experience in this state in the business of 2259
private investigation or security services. 2260

(2) One member shall be an owner or operator of a business 2261
that maintains a class B license and shall have at least five 2262
years' experience in this state in the business of private 2263
investigation or security services. 2264

(3) One member shall be an owner or operator of a business 2265
that maintains a class C license and shall have at least five 2266
years' experience in this state in the business of private 2267
investigation or security services. 2268

(4) Two members shall be owners or operators of a business 2269
that maintains a class A, B, or C license and shall have at 2270
least five years' experience in this state in the business of 2271
private investigation or security services. 2272

(5) One member shall be an incumbent chief of police. 2273

(6) One member shall be an active law enforcement officer, 2274
not above the rank of lieutenant. 2275

(7) One member shall be an incumbent sheriff. 2276

(8) Two members shall be representatives of the general 2277
~~public who have never had a direct employment relationship with~~ 2278
~~any class A, B, or C licensee. A general public representative~~ 2279
~~shall not have been employed by a class A, B, or C licensee or~~ 2280
~~as a commissioned peace officer for the five years before the~~ 2281
~~appointment. During the term of appointment, the general public~~ 2282
~~representative shall not become employed by a class A, B, or C~~ 2283
~~licensee or as a commissioned peace officer.~~ 2284

(B) (1) ~~The governor shall make initial appointments to the~~ 2285
~~commission by January 1, 2005, and the commission shall hold its~~ 2286
~~first meeting, at the call of the director of public safety, in~~ 2287
~~January 2005. Of the initial appointments made to the~~ 2288
~~commission, three shall be for a term ending December 31, 2005,~~ 2289

~~three shall be for a term ending December 31, 2006, three shall~~ 2290
~~be for a term ending December 31, 2007, and three shall be for a~~ 2291
~~term ending December 31, 2008. Thereafter, terms~~ Terms of office 2292
shall be for five years, with each term ending on the same day 2293
of the same month as did the term that it succeeds. Each member 2294
shall hold office from the date of appointment until the end of 2295
the term for which the member was appointed. Members may be 2296
reappointed, but may serve not more than two complete 2297
consecutive five-year terms. Vacancies shall be filled in the 2298
manner provided for original appointments. Any member appointed 2299
to fill a vacancy occurring before the expiration date of the 2300
term for which the member's predecessor was appointed shall hold 2301
office as a member for the remainder of that term. A member 2302
shall continue in office subsequent to the expiration of the 2303
member's term until the member's successor takes office ~~or until~~ 2304
~~a period of sixty days has elapsed, whichever occurs first.~~ The 2305
governor, after notice and the opportunity for a hearing, may 2306
remove any appointed member for misfeasance, malfeasance, or 2307
nonfeasance. 2308

(2) Ninety days before the expiration of a member's term, 2309
or in the event of a vacancy, the Ohio association of security 2310
and investigation services and other interested parties may 2311
submit names to the governor for consideration of appointment to 2312
the commission. 2313

(C) The commission shall advise the director of public 2314
safety on all matters related to the regulation of private 2315
investigation and the business of security services and on all 2316
matters related to this chapter. The commission shall advise the 2317
director on the format, content, and all other aspects of all 2318
private investigation and security services licensure 2319
examinations. 2320

(D) In accordance with Chapter 119. of the Revised Code, 2321
the department may establish rules on behalf of the commission. 2322

(E) The commission shall meet not less than four times 2323
each year. It also shall meet upon the call of the chairperson, 2324
upon the request of five members, or at the request of the 2325
director of public safety or the director's designee. 2326

(F) At the first regular meeting of each year, which shall 2327
be called by the chairperson, the members shall elect a 2328
chairperson and a vice-chairperson by a majority vote, and also 2329
shall establish its meeting schedule for the remainder of the 2330
year. The chairperson and vice-chairperson shall serve until 2331
their successors are elected. No member may serve as chairperson 2332
more than three times during a five-year term. The chairperson 2333
shall preside over the commission's meetings, shall set the 2334
meeting agenda, and shall serve as the commission's chief 2335
spokesperson and liaison to the department of public safety. The 2336
chairperson or vice-chairperson shall approve all vouchers of 2337
the commission. Subject to the commission's approval, the 2338
chairperson may appoint committees to assist the commission. 2339
Committee members may be members of the commission. The vice- 2340
chairperson shall exercise the duties of the chairperson when 2341
the chairperson is not available. 2342

(G) A quorum of ~~seven appointed~~ at least one more than 2343
half of the currently serving members is necessary for a meeting 2344
to convene or continue. All actions of the commission shall be 2345
by a majority of the members present. Members may not 2346
participate or vote by proxy. In accordance with Chapter 121. of 2347
the Revised Code, at least fourteen days before a regular 2348
meeting and twenty-four hours before a special meeting, the 2349
chairperson shall notify all members of the commission in 2350

writing of the agenda. Upon a timely request, any member of the 2351
commission may have an item added to the commission's agenda. 2352

(H) Each member of the commission shall receive the 2353
member's necessary expenses incurred in the performance of 2354
official duties, including travel, hotel, and other necessary 2355
expenses. Members of any special committee, which may be 2356
appointed by the commission to assist it, who are not members of 2357
the commission also may receive necessary expenses. 2358

(I) The department of public safety shall provide the 2359
commission with suitable office and meeting space and necessary 2360
technical, clerical, and administrative support. The department 2361
shall serve as the official repository of the commission's 2362
records. Expenses of the commission shall be paid from the 2363
private investigator and security guard provider fund created in 2364
section 4749.07 of the Revised Code. 2365

(J) In the absence of fraud or bad faith, the commission, 2366
a current or former commission member, or an agent, 2367
representative, or employee of the commission is not liable in 2368
damages to any person because of any act, omission, proceeding, 2369
or decision related to official duties. 2370

Sec. 4749.03. (A) Any person may apply for a license to 2371
engage in the business of private investigation and security 2372
services under a class A license, to engage in the business of 2373
private investigation under a class B license, or to engage in 2374
the business of security services under a class C license by 2375
submitting an application on a form prescribed by the director 2376
of public safety for that purpose. In addition to any other 2377
information required by the director, the application shall 2378
include all of the following: 2379

(1) The name, address, electronic mail address, date and 2380
place of birth, and citizenship of each person having a legal or 2381
beneficial interest in the ownership of the business and of each 2382
person that will act as a qualifying agent for the business; 2383

(a) If any such person is a corporation or limited 2384
liability company, the applicant shall list all of the 2385
following: 2386

(i) The names of each officer of the person and the names 2387
of the managing members of the person or, if the management of 2388
the person is not reserved to its managing members, the managers 2389
of the person; 2390

(ii) The names of each person owning or controlling five 2391
per cent or more of the capital stock of such a person that is a 2392
corporation; 2393

(iii) The names of each person owning or controlling five 2394
per cent or more of either the voting interests or membership 2395
interests in such a person that is a limited liability company. 2396

(b) If any such person is a partnership or association, 2397
the applicant shall list the names of each partner or member of 2398
the association. 2399

(2) The address of each of the applicant's places of 2400
business, the address in which service of process, notice, or 2401
demand may be served upon the applicant, and an electronic mail 2402
address to which the director may send correspondence not 2403
required by law to be sent by other means; 2404

(3) A brief physical description of each individual named 2405
in the application as a qualifying agent; 2406

(4) Any other information the director may require, as set 2407

forth in rules adopted pursuant to Chapter 119. of the Revised 2408
Code. 2409

(B) The application described in division (A) of this 2410
section shall be accompanied by all of the following: 2411

(1) One recent full-face photograph of each individual 2412
specified in the application as a qualifying agent; 2413

(2) References from at least five reputable citizens for 2414
each individual named in the application as a qualifying agent, 2415
each of whom shall have known the named individual for at least 2416
five years preceding the application, and none of whom are 2417
connected with any of the named individuals by blood or 2418
marriage; 2419

(3) (a) Verification that, depending on the class of 2420
license applied for, each individual named in the application as 2421
a qualifying agent has, for a continuous two-year period, been 2422
engaged in any of the following: 2423

(i) The business of private investigation, the business of 2424
security services, or both; 2425

(ii) Investigatory or security services work for a law 2426
enforcement or other public agency; 2427

(iii) The practice of law. 2428

(b) An applicant may meet the requirement prescribed in 2429
division (B) (3) (a) of this section for any individual named in 2430
the application as a qualifying agent by verifying that the 2431
individual has acquired equivalent experience as determined in 2432
rules adopted by the director of public safety. Such rules shall 2433
address both of the following: 2434

(i) The use of military programs of training, military 2435

primary specialties, and lengths of service to meet the 2436
experience requirements specified in division (B) (3) (a) of this 2437
section; 2438

(ii) The use of a college degree in lieu of one of the two 2439
years of required experience. 2440

(4) (a) A license fee in the amount the director 2441
determines, not to exceed six hundred fifty dollars; 2442

(b) An examination fee of twenty-five dollars for each 2443
individual named in the application as a qualifying agent. 2444

(5) (a) Evidence of comprehensive, general liability 2445
insurance coverage, or other equivalent guarantee approved by 2446
the director in such form and in principal amounts satisfactory 2447
to the director; 2448

(b) The director shall not approve comprehensive, general 2449
liability coverage or another equivalent guarantee in an amount 2450
less than one hundred thousand dollars for each person and three 2451
hundred thousand dollars for each occurrence for bodily injury 2452
liability, and one hundred thousand dollars for property damage 2453
liability. 2454

(6) Each person named in division (A) (1) of this section 2455
shall submit an affidavit, on a form prescribed by the director, 2456
stating all of the following: 2457

(a) Whether or not the applicant has previously applied 2458
for a class A, B, or C license or registration and the result of 2459
the application; 2460

(b) Whether or not the applicant has ever been the holder 2461
of any such license or registration that was revoked or 2462
suspended; 2463

(c) Whether or not the applicant has been convicted of or 2464
pleaded guilty to an offense in a criminal action; 2465

(d) Whether or not the applicant is currently or has ever 2466
previously held a license or registration to engage in the 2467
business of private investigation, security services, or both in 2468
another state or foreign jurisdiction, and, if so, the name of 2469
the state or foreign jurisdiction and the status of the license 2470
or registration. 2471

(C) (1) (a) Each individual listed in the application as a 2472
qualifying agent shall submit one complete set of fingerprints 2473
directly to the superintendent of the bureau of criminal 2474
identification and investigation for the purpose of conducting a 2475
criminal records check. The individual shall provide the 2476
fingerprints using a method the superintendent prescribes 2477
pursuant to division (C) (2) of section 109.572 of the Revised 2478
Code and complete the form the superintendent prescribes 2479
pursuant to division (C) (1) of section 109.572 of the Revised 2480
Code. 2481

(b) The superintendent shall conduct the criminal records 2482
check as set forth in division (B) of section 109.572 of the 2483
Revised Code. 2484

(c) The person requesting the criminal records check shall 2485
pay the fee the superintendent prescribes. 2486

(2) A qualifying agent who intends to carry a firearm in 2487
the course of business or employment shall also notify the 2488
superintendent of criminal identification and investigation of 2489
this intent. This notification is in addition to any other 2490
requirement related to carrying a firearm that applies to the 2491
qualifying agent. 2492

Upon receiving this notification, the superintendent shall 2493
also request from the federal bureau of investigation any 2494
relevant information and review the information the federal 2495
bureau of investigation provides pursuant to division (B) (2) of 2496
section 109.572 of the Revised Code. 2497

(3) The superintendent shall submit all results of the 2498
completed records check to the director. 2499

(4) If the bureau of identification and investigation 2500
assesses the director of public safety a fee for any activity 2501
carried out under division (C) of this section, the director, in 2502
addition to any other fee assessed pursuant to this chapter, may 2503
assess the applicant a fee that is equal to the fee assessed by 2504
the bureau. 2505

Sec. 4749.031. (A) The director of public safety shall 2506
deny a license to any person applying under section 4749.03 of 2507
the Revised Code and refund all but one hundred dollars of the 2508
license fee if the director finds any of the following with 2509
regard to the applicant: 2510

(1) (a) The applicant does not have a good reputation for 2511
integrity. 2512

(b) In determining whether the applicant has a good 2513
reputation for integrity, the director may consider whether any 2514
of the persons named in an application in accordance with 2515
division (A) (1) of section 4749.03 of the Revised Code meet any 2516
of the following: 2517

(i) Has ever been convicted of or pleaded guilty to any 2518
crime of moral turpitude; 2519

(ii) Has been convicted of a disqualifying offense within 2520
three years of the date of submitting an application in 2521

<u>accordance with section 4749.03 of the Revised Code;</u>	2522
<u>(iii) Has been subject to discipline within five years of</u>	2523
<u>making application in accordance with section 4749.03 of the</u>	2524
<u>Revised Code for violations of this chapter or its accompanying</u>	2525
<u>rules or a violation of any former or existing law of another</u>	2526
<u>state that is or was substantially equivalent to any of the</u>	2527
<u>violations set forth in this chapter;</u>	2528
<u>(iv) Has voluntarily surrendered a license issued in</u>	2529
<u>accordance with this chapter within five years of applying or</u>	2530
<u>voluntarily surrendered a substantially equivalent license</u>	2531
<u>issued under former or existing law of another state;</u>	2532
<u>(v) Has had a license issued in accordance with this</u>	2533
<u>chapter previously revoked or suspended or has had a</u>	2534
<u>substantially equivalent license issued under former or existing</u>	2535
<u>law of another state revoked or suspended.</u>	2536
<u>(2) The applicant failed to name in the application at</u>	2537
<u>least one person who will act as a qualifying agent.</u>	2538
<u>(3) Any person named as a qualifying agent on the</u>	2539
<u>application meets any of the following:</u>	2540
<u>(a) Has been convicted of or pleaded guilty to any crime</u>	2541
<u>of moral turpitude;</u>	2542
<u>(b) Has been convicted of or pleaded guilty to a</u>	2543
<u>disqualifying offense within three years of the date of</u>	2544
<u>submitting an application in accordance with this section;</u>	2545
<u>(c) Has been adjudicated incompetent for the purpose of</u>	2546
<u>holding the license, as provided in section 5122.301 of the</u>	2547
<u>Revised Code, without having been restored to legal capacity for</u>	2548
<u>that purpose;</u>	2549

<u>(d) Has failed to pass the examination required by section</u>	2550
<u>4749.02 of the Revised Code.</u>	2551
<u>(4) The person has failed to submit all documentation and</u>	2552
<u>pay the fees required by section 4749.03 of the Revised Code.</u>	2553
<u>(B) If the director denies a person a license, the</u>	2554
<u>director shall explain the reasons for the denial in writing.</u>	2555
<u>(C) Divisions (C) (1) and (2) of this section only apply to</u>	2556
<u>offenses for which the director, before September 1, 2012, was</u>	2557
<u>required or authorized to deny an application.</u>	2558
<u>(1) If a qualifying agent for an applicant has been</u>	2559
<u>convicted of or pleaded guilty to a misdemeanor that is not a</u>	2560
<u>crime of moral turpitude or a disqualifying offense less than</u>	2561
<u>one year before making the application, the director may use the</u>	2562
<u>director's discretion in granting or denying the applicant a</u>	2563
<u>license.</u>	2564
<u>(2) If a qualifying agent for an applicant for a license</u>	2565
<u>has been convicted of or pleaded guilty to a felony that is not</u>	2566
<u>a crime of moral turpitude or a disqualifying offense less than</u>	2567
<u>three years before making the application, the director may use</u>	2568
<u>the director's discretion in granting or denying the applicant a</u>	2569
<u>license.</u>	2570
<u>(D) Subject to divisions (A) and (B) of this section,</u>	2571
<u>divisions (B) and (E) of section 4749.033, and sections 4749.032</u>	2572
<u>and 4749.04 of the Revised Code, the director shall not adopt,</u>	2573
<u>maintain, renew, or enforce any rule, or take any other action,</u>	2574
<u>that prevents a person from receiving or renewing a license</u>	2575
<u>under this chapter due to any past criminal activity or</u>	2576
<u>interpretation of moral character.</u>	2577
<u>Sec. 4749.032. (A) If the director of public safety</u>	2578

determines that an applicant meets the requirements of section 2579
4749.03 of the Revised Code and will not be denied an 2580
application under section 4749.031 of the Revised Code, the 2581
director shall notify the applicant that the applicant's 2582
qualifying agents qualify to take the examination required by 2583
section 4749.02 of the Revised Code and of the time and place 2584
for the examination. 2585

(B) The director may waive the examination requirement, 2586
but not the examination fee specified in division (B) (4) (b) of 2587
section 4749.03 of the Revised Code, of any applicant who 2588
currently holds a class A, B, or C license in this state or an 2589
applicant who is licensed as a private investigator provider, 2590
security provider, or both, in another state. 2591

Sec. 4749.033. (A) (1) If the director of public safety 2592
finds that the applicant meets the requirements of sections 2593
4749.03 to 4749.032 of the Revised Code and, unless the 2594
requirement was waived under section 4749.032 of the Revised 2595
Code, at least one qualifying agent of the applicant has passed 2596
the examination required under section 4749.02 of the Revised 2597
Code, the director shall issue the applicant a class A, B, or C 2598
license. 2599

- (2) The license shall state all of the following: 2600
- (a) The licensee's name; 2601
 - (b) The classification of the license; 2602
 - (c) The location of the licensee's principal place of 2603
business; 2604
 - (d) The expiration date of the license; 2605
 - (e) The names of the qualifying agents who have passed the 2606

examination or for whom the examination was waived. 2607

(3) (a) In addition to the license, the director also shall 2608
issue a registration card to each qualifying agent who has 2609
passed the examination required by section 4749.02 of the 2610
Revised Code or for whom examination was waived. 2611

(b) The registration card issued in accordance with this 2612
division shall be the same registration card issued in 2613
accordance with section 4749.06 of the Revised Code, except that 2614
the registration card shall specify that the individual is a 2615
qualifying agent. 2616

(B) The director may grant an applicant a conditional 2617
license that lasts for one year. After the one-year period has 2618
expired, the license is no longer considered conditional, and 2619
the applicant shall be considered fully licensed. 2620

(C) All licenses issued on or after the effective date of 2621
this section expire on the first day of March of the second year 2622
following the date issued, and on the first day of March every 2623
two years thereafter. Renewals shall be conducted in accordance 2624
with division (D) of this section. 2625

(D) (1) To renew a license issued under this section or 2626
former section 4749.03 of the Revised Code, a license holder 2627
shall complete an application for renewal and pay a renewal fee 2628
determined by the director, which shall not exceed five hundred 2629
fifty dollars. Both the application and the fee shall be 2630
submitted to the director prior to the first day of March of the 2631
year in which the license expires. 2632

(2) Applications for license renewal and the accompanying 2633
fee submitted on or after the first day of March, but prior to 2634
the first day of April, in the year the license expires shall be 2635

accepted by the department if accompanied by the payment of a 2636
late fee of one hundred fifty dollars, that is in addition to 2637
the renewal fee prescribed in this section. 2638

(3) No reexamination shall be required for renewal of a 2639
valid license that has not expired. 2640

(4) (a) If an application for renewal is not submitted or 2641
is submitted on or after the first day of April in the year it 2642
expires, the licensee will be required to submit an application 2643
for a new license in accordance with section 4749.03 of the 2644
Revised Code. 2645

(b) A business that does not submit an application for 2646
renewal before the first day of April in the year its license 2647
expires is prohibited from engaging in the business of private 2648
investigation, security guard services, or both, and is subject 2649
to sanctions for operating an unlicensed business if it 2650
continues to operate. 2651

(E) (1) The director shall not renew the license of a 2652
licensee that no longer meets the applicable requirements of 2653
this section. 2654

(2) No license shall be renewed unless the licensee 2655
provides all of the following: 2656

(a) Evidence of comprehensive, general liability insurance 2657
coverage; 2658

(b) Certificate of good standing from the secretary of 2659
state; 2660

(c) A full force and effect certificate from the secretary 2661
of state, if applicable; 2662

(d) The renewal fee established pursuant to division (D) 2663

(1) of this section; 2664

(e) A fee of five dollars for each qualifying agent listed
on the license. 2665
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(3) If the director denies a person a license renewal, the
director shall explain the reasons for the denial in writing. 2667
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(F) In considering the first renewal of a license, the
director shall not consider any conviction or plea of guilty
prior to the initial licensing, but may consider a conviction or
plea of guilty that occurred on or after the initial licensing.
For subsequent renewals, the director may consider only a
conviction or plea of guilty that occurred after the most recent
license renewal. 2669
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(G) The director may issue a duplicate copy of a license
issued under this section for the purpose of replacing a lost,
spoiled, or destroyed license, upon payment of a fee the
director determines, not exceeding twenty-five dollars. 2676
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(H) A class A, B, or C licensee shall notify the director
in writing of a change in the licensee's address or electronic
mail address within ten days after the change. 2680
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Sec. 4749.034. (A) A qualifying agent may qualify more
than one business for licensure, provided that the qualifying
agent is actively engaged in each business. 2683
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(B) A business may transfer the business's class A, B, or
C license to another business upon completion of all of the
following: 2686
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(1) Submission of written notification to the director; 2689

(2) Completion of an application for licensure by the
transferee; 2690
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<u>(3) Surrender of the transferring business's current</u>	2692
<u>license;</u>	2693
<u>(4) Payment of a fee of twenty-five dollars.</u>	2694
<u>(C) (1) Any officer or qualifying agent who qualified a</u>	2695
<u>business for licensure under this chapter may obtain a similar</u>	2696
<u>license in the individual's own name without reexamination upon</u>	2697
<u>completion of all of the following:</u>	2698
<u>(a) Written notification to the director;</u>	2699
<u>(b) Completion of an application similar to that of an</u>	2700
<u>individual seeking class A, B, or C licensure;</u>	2701
<u>(c) Payment of a twenty-five-dollar fee.</u>	2702
<u>(2) A request by an officer or qualifying agent for an</u>	2703
<u>individual license shall not affect a business's license unless</u>	2704
<u>the individual is the only individual that qualified the</u>	2705
<u>business for licensure or all the other individuals who</u>	2706
<u>qualified the business for licensure submit such requests.</u>	2707
<u>(D) (1) Each business licensed under this chapter shall be</u>	2708
<u>associated with at least one qualifying agent.</u>	2709
<u>(2) If a business is, for any reason, no longer associated</u>	2710
<u>with an individual who qualified it for licensure under this</u>	2711
<u>chapter, a representative of the business shall notify the</u>	2712
<u>director by certified mail, return receipt requested, within ten</u>	2713
<u>days after the association terminates.</u>	2714
<u>(3) If notification is so given, and the individual was</u>	2715
<u>the only individual that qualified the business for licensure,</u>	2716
<u>the business may submit the name of another individual to</u>	2717
<u>qualify the business for the license within thirty days after</u>	2718
<u>the association terminates. If the business submits the name of</u>	2719

another individual within that time period, the business may 2720
continue to operate in the business of private investigation, 2721
the business of security services, or both businesses in this 2722
state under that license for ninety days after the association 2723
terminates. 2724

(4) If the individual whose name is submitted satisfies 2725
the requirements of division (A) of this section and sections 2726
4749.03 to 4749.032 of the Revised Code, the director shall 2727
issue a new license to the business within ninety days after 2728
receiving the application. 2729

(5) The names of more than one individual may be 2730
submitted. 2731

Sec. ~~4749.031~~ 4749.035. (A) The department of public 2732
safety shall be a participating public office for purposes of 2733
the retained applicant fingerprint database established under 2734
section 109.5721 of the Revised Code. The department shall elect 2735
to participate in the continuous record monitoring service for 2736
all persons licensed or registered under this chapter. When the 2737
superintendent of the bureau of criminal identification and 2738
investigation, under section 109.57 of the Revised Code, 2739
indicates that an individual in the retained applicant 2740
fingerprint database has been arrested for, convicted of, or 2741
pleaded guilty to any offense, the superintendent promptly shall 2742
notify the department either electronically or by mail that 2743
additional arrest or conviction information is available. 2744

(B) In addition to any other fees charged by the 2745
department under this chapter, an applicant for a license under 2746
~~section~~ sections 4749.03 to 4749.034 or registration under 2747
section 4749.06 of the Revised Code, at the time of making an 2748
initial or renewal application, shall pay any initial or annual 2749

fee charged by the superintendent pursuant to rules adopted 2750
under division (H) of section 109.5721 of the Revised Code. 2751

Sec. 4749.04. (A) The director of public safety may take 2752
any action specified in division (C) of this section against a 2753
person who has applied for or holds a class A, B, or C license 2754
or registration card. Actions taken against a person shall be 2755
taken in accordance with Chapter 119. of the Revised Code, 2756
except as provided in section 4749.041 of the Revised Code. 2757

(B) The director may impose sanctions against an 2758
applicant, licensee, or registrant for any of the following 2759
reasons: 2760

(1) Any violation of this chapter or the rules adopted 2761
pursuant to this chapter or for allowing another to violate this 2762
chapter or the rules adopted pursuant to this chapter; 2763

(2) Conviction of or plea of guilty to any crime of moral 2764
turpitude in which the defendant is a registrant, licensee, 2765
qualifying agent, or any other person listed on the license 2766
application in accordance with division (A) (1) (a) of section 2767
4749.03 of the Revised Code; 2768

(3) A conviction of or plea of guilty to a disqualifying 2769
offense within the last three years, where the defendant is a 2770
registrant, licensee, qualifying agent, or any other person 2771
listed on the license application in accordance with division 2772
(A) (1) (a) of section 4749.03 of the Revised Code; 2773

(4) Knowingly making a false report with respect to any 2774
matter with which the licensee or registrant is employed or 2775
knowingly falsifying any business records; 2776

(5) Testifying falsely under oath, or suborning perjury in 2777
any judicial proceeding; 2778

<u>(6) Divulging any information acquired from or for a</u>	2779
<u>client to persons other than the client or the client's</u>	2780
<u>authorized agent without express authorization to do so or</u>	2781
<u>unless required by law;</u>	2782
<u>(7) Knowingly accepting employment that includes obtaining</u>	2783
<u>information intended for illegal purposes.</u>	2784
<u>(C) The director may take any of the following actions</u>	2785
<u>against an applicant, licensee, or registrant for a violation</u>	2786
<u>described in division (B) of this section:</u>	2787
<u>(1) Refuse to issue, renew, restore, or reinstate a</u>	2788
<u>license or registration;</u>	2789
<u>(2) Reprimand or censure a licensee or registrant in</u>	2790
<u>writing;</u>	2791
<u>(3) Place limits, restrictions, or probationary conditions</u>	2792
<u>on a licensee's operations;</u>	2793
<u>(4) Other than a reason described in division (B)(2) or</u>	2794
<u>(3) of this section, impose on a licensee or registrant a civil</u>	2795
<u>penalty of not more than one hundred dollars for each day of</u>	2796
<u>violation;</u>	2797
<u>(5) Suspend a license or registration;</u>	2798
<u>(6) Revoke a license or registration;</u>	2799
<u>(7) Permanently revoke a license or registration.</u>	2800
<u>(D) This chapter does not require the director to act on</u>	2801
<u>minor paperwork violations of this chapter or the rules adopted</u>	2802
<u>under it, if the violations are committed by licensees and the</u>	2803
<u>director determines that the public interest is adequately</u>	2804
<u>served by issuing a notice or warning to the alleged offender.</u>	2805

(E) Nothing in this section shall be construed as prohibiting the director from taking action against both a licensee and registrant for actions taken by a registrant. 2806
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(F) In accordance with section 119.07 of the Revised Code, any process, notice, or demand required or permitted by law to be served upon a licensee or registrant under this chapter may be served by delivering a copy of the process, notice, or demand to the licensee or registrant's address of record or upon any of the licensee's qualifying agents. This section does not limit or affect the right to serve any process, notice, or demand upon a licensee or registrant in any other manner permitted by law. 2809
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(G) Nothing in this section limits the ability of the director to send correspondence by electronic mail if the correspondence is not otherwise required to be sent by other means. 2817
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Sec. 4749.041. (A) If the director of public safety determines that there is clear and convincing evidence that a licensee or a registrant presents a danger of immediate and serious harm to the public, the director may summarily suspend the person's license or registration without a prior hearing. 2821
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(B) If the director summarily suspends a license or a registration, or both, the director shall issue a written order of suspension and cause it to be delivered in accordance with section 119.07 of the Revised Code. Such order shall inform the person subject to the suspension of the reason for suspension and of the person's right to request an adjudication hearing within fifteen days after the date of mailing the notice. If the person does not timely request an adjudication hearing, the summary suspension becomes a final adjudication order. 2826
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(C) (1) If the person subject to the summary suspension requests an adjudication hearing, such hearing shall be held in compliance with the provisions of sections 119.06 to 119.12 of the Revised Code. 2835
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(2) The director shall immediately set the date, time, and place for the hearing and promptly notify the person thereof. The date set for the hearing shall be within fifteen days, but not earlier than seven days, after the person has requested a hearing, unless otherwise agreed to by both the director and the person. 2839
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(D) The summary suspension shall remain in effect, unless reversed by the director, until a final adjudication order issued by the director pursuant to this section and Chapter 119. of the Revised Code becomes effective. The order shall not be subject to suspension by any court while an appeal filed under section 119.12 of the Revised Code is pending. 2845
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(E) The director shall issue a final adjudication order not later than sixty days after completion of the adjudication. If the director does not issue a final order within a sixty-day period, the summary suspension shall be void, but any final adjudication order issued subsequent to the sixty-day period shall not be affected. 2851
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Sec. 4749.05. (A) Each class A, B, or C licensee shall report the location of branch offices to the department of public safety, and to the sheriff of the county and the police chief of any municipal corporation in which the office is located, and shall post a branch office license conspicuously in that office. Application for a branch office license shall be made on a form prescribed by the director of public safety, and a license shall be issued upon receipt of the form and payment 2857
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of a fee fixed by the director, not exceeding one hundred 2865
dollars. If a licensee moves an office, the licensee shall 2866
notify, in writing, the department of public safety and any 2867
affected sheriff and chief of police within ~~forty eight hours~~ 2868
ten days of the change. 2869

~~This division does not apply to a licensed private 2870
investigator who is engaging in the business of private 2871
investigation as a registered employee of a licensed private 2872
investigator. 2873~~

(B) Pursuant to Chapter 119. of the Revised Code, the 2874
director of public safety shall adopt rules regarding when a 2875
class A, B, or C licensee, or any of such a licensee's 2876
employees, is required to report the licensee's or employee's 2877
presence and length of stay to the sheriff and police chief of 2878
any county or municipal corporation in which the licensee or 2879
employee operates. The rules shall include reporting 2880
requirements for licenses or employees conducting fraud 2881
investigations or physical surveillance. 2882

Sec. 4749.06. (A) ~~Each class A, B, or C licensee shall 2883
register the licensee's investigator or security guard 2884
employees, with the department of public safety, which shall 2885
maintain a record of each licensee and registered employee and 2886
make it available, upon request, to any law enforcement agency. 2887
The class A, B, or C licensee shall file an application to 2888
register a new employee no sooner than three days nor later than 2889
seven calendar days after the date on which the employee is 2890
hired. 2891~~

~~(B) (1) Each employee's registration application shall be 2892
accompanied by one recent photograph of the employee, the 2893
employee's physical description, and the registration fee the 2894~~

~~director determines, not to exceed forty dollars.~~ 2895

~~(2) The employee~~ Any person who is eighteen years of age 2896
or older on the date of making application may apply to the 2897
director of public safety for a class A private investigator and 2898
security guard registration, a class B private investigator 2899
registration, or class C security guard registration. A 2900
registration application shall be made on a form prescribed by 2901
the director and shall include all of the following: 2902

(1) The applicant's name, address, electronic mail 2903
address, date and place of birth, citizenship, and one recent 2904
photograph of the applicant; 2905

(2) A brief physical description of the applicant; 2906

(3) The registration fee the director determines, not to 2907
exceed eighty dollars for a two-year registration; 2908

(4) Any other information the director may require, as set 2909
forth in rules adopted pursuant to Chapter 119. of the Revised 2910
Code. 2911

(B) In addition to the application required in division 2912
(A) of this section, the applicant shall submit one complete set 2913
of fingerprints directly to the superintendent of the bureau of 2914
criminal identification and investigation for the purpose of 2915
conducting a criminal records check. The employee shall provide 2916
the fingerprints using a method the superintendent prescribes 2917
pursuant to division (C) (2) of section 109.572 of the Revised 2918
Code and ~~fill out complete~~ the form the superintendent 2919
prescribes pursuant to division (C) (1) of section 109.572 of the 2920
Revised Code. An employee who intends to carry a firearm ~~as~~ 2921
~~defined in section 2923.11 of the Revised Code~~ in the course of 2922
~~the employee's~~ business or employment shall so notify the 2923

superintendent. This notification is in addition to ~~any other~~ 2924
~~requirement related to carrying a firearm that applies to the~~ 2925
~~employee meeting the requirements set forth in section 4749.10~~ 2926
of the Revised Code for carrying a firearm. The individual ~~or~~ 2927
~~corporation~~ requesting the criminal records check shall pay the 2928
fee the superintendent prescribes. 2929

The superintendent shall conduct the criminal records 2930
check as set forth in division (B) of section 109.572 of the 2931
Revised Code. If an employee intends to carry a firearm in the 2932
course of business or employment, pursuant to division (B) (2) of 2933
section 109.572 of the Revised Code the superintendent shall 2934
make a request of the federal bureau of investigation for any 2935
information and review the information the bureau provides. The 2936
superintendent shall submit all results of the completed 2937
investigation to the director of public safety. 2938

~~(3) If, after investigation, the bureau finds that the~~ 2939
~~employee~~ (C) The director shall issue to the applicant a private 2940
investigator, security guard, or private investigator and 2941
security guard registration card if the director finds that the 2942
applicant meets all of the following criteria: 2943

(1) The applicant has not been convicted of a 2944
disqualifying offense as defined in section 4776.10 of the 2945
Revised Code within the last three years, ~~the~~. 2946

(2) The applicant has not been convicted of any crime of 2947
moral turpitude. 2948

(3) (a) The applicant has a good reputation of integrity. 2949

(b) The director shall adopt a rule in accordance with 2950
Chapter 119. of the Revised Code setting forth the factors the 2951
director may consider when determining whether an applicant has 2952

a good reputation for integrity. The rule shall include all of 2953
the following: 2954

(i) Whether or not the applicant has been subject to 2955
discipline for a violation of this chapter or its accompanying 2956
rules or a violation of any former or existing law of another 2957
state that is or was substantially equivalent to any of the 2958
prohibitions set forth in this chapter, within five years of 2959
making application; 2960

(ii) Whether or not the applicant has voluntarily 2961
surrendered a license or registration issued in accordance with 2962
this chapter within five years of making application or 2963
voluntarily surrendered a substantially equivalent license or 2964
registration issued under former or existing laws of another 2965
state; 2966

(iii) Whether or not the applicant has had a license or 2967
registration issued in accordance with this chapter previously 2968
revoked or suspended or has had a substantially equivalent 2969
license or registration issued under former or existing law of 2970
another state revoked or suspended. 2971

(4) The applicant has submitted a completed application, 2972
registration fee, and all required materials in accordance with 2973
divisions (A) and (B) of this section. 2974

(D) The director shall issue to the ~~employee an~~ 2975
~~identification applicant a registration card~~ bearing the ~~license~~ 2976
~~number and signature of the licensee, which in the case of a~~ 2977
~~corporation shall be the signature of its president or its~~ 2978
~~qualifying agent, and containing the employee's name, address,~~ 2979
~~age, physical description, and right thumb print or registrant's~~ 2980
~~name, signature, and recent photograph of the applicant and any~~ 2981

other identifying mark as the director prescribes, ~~a recent~~ 2982
~~photograph of the employee, and the employee's signature by~~ 2983
rule. The director may issue a duplicate of a lost, ~~spoiled~~ 2984
~~spoiled~~, or destroyed ~~identification~~ registration card issued 2985
under this section, upon payment of a fee fixed by the director, 2986
not exceeding five dollars. 2987

~~(C)~~ (E) A registration card issued by the director in 2988
accordance with this section shall expire two years from the 2989
date of issuance and shall be renewed in accordance with section 2990
4749.061 of the Revised Code. The registration card authorizes 2991
the registrant to provide private investigator services, 2992
security services, or both anywhere in this state, only if the 2993
registrant is employed by a private investigator, security 2994
services provider, or both that is licensed in accordance with 2995
sections 4749.03 to 4749.034 of the Revised Code. The 2996
registration card issued by the department shall be carried by 2997
the registrant at all times while on duty. 2998

(F) Any registrant holding a valid registration card may 2999
change the registrant's registration class by submitting a 3000
change of classification request on a form prescribed by the 3001
director and payment of a five-dollar fee. Upon receiving a 3002
change of classification request and the accompanying fee the 3003
director shall issue a new registration card. 3004

(G) A registrant shall notify the director in writing of a 3005
change in the registrant's address or electronic mail address 3006
within ten days after the change. 3007

(H) (1) Except as provided in division ~~(E)~~ (H) (2) of this 3008
section and section 4749.061 of the Revised Code, no class A, B, 3009
or C licensee shall permit an employee, other than an individual 3010
who qualified a corporation for licensure, a registrant in the 3011

licensee's employ to engage in, and no registrant shall engage 3012
in, the business of private investigation, the business of 3013
security services, or both ~~businesses until unless~~ the ~~employee~~ 3014
~~receives an~~ registrant holds a valid registration or 3015
identification card ~~from issued by~~ the department, ~~except that~~ 3016
~~pending the issuance of an identification card, a class A, B, or~~ 3017
~~C licensee may offer for hire security guard or investigator~~ 3018
~~employees provided the licensee obtains a waiver from the person~~ 3019
~~who receives, for hire, security guard or investigative~~ 3020
~~services, acknowledging that the person is aware the employees~~ 3021
~~have not completed their registration and agreeing to their~~ 3022
employment. 3023

~~(D) If a class A, B, or C licensee, or a registered~~ 3024
~~employee of a class A, B, or C licensee, intends to~~ 3025

(2) (a) Any person employed by a class A, B, or C licensee, 3026
who has submitted an application for registration to the 3027
department in accordance with the requirements set forth in 3028
division (A) of this section, and whose application is pending 3029
approval by the director, may, at the direction and 3030
authorization of the employing licensee, engage in the business 3031
of private investigation, the business of security services, or 3032
both for a period of time not to exceed ninety days from the 3033
date the application for registration was submitted to the 3034
department. During the period in which the person's application 3035
for registration is pending approval, the person shall have the 3036
receipt of application issued by the department in the 3037
applicant's possession at all times while engaged in the 3038
provision of services for the applicant's employing licensee. 3039

(b) No person whose application for a firearm-bearer 3040
notation on the person's registration card, as set forth in 3041

section 4749.10 of the Revised Code, is pending approval by the 3042
director may carry a firearm while engaged in the business of 3043
private investigation, the business of security services, or 3044
both, whether or not the person has the person's receipt of 3045
application issued by the department. 3046

(3) While engaged in the duties of a registrant, upon the 3047
demand of any law enforcement officer who identifies him or 3048
herself as a law enforcement officer, an employee of the 3049
department of public safety who identifies him or herself as 3050
such an employee, or the client of the licensee, the registrant, 3051
or a person whose application for registration is pending 3052
approval by the director, shall display his or her registration 3053
card or receipt of application to that officer, employee, or 3054
client. 3055

(I) No registrant shall carry a firearm, as defined in 3056
section 2923.11 of the Revised Code, in the course of engaging 3057
in the business or employment, the licensee or registered 3058
employee shall satisfactorily complete a firearms basic training 3059
program that includes twenty hours of handgun training and five 3060
hours of training in the use of other firearms, if any other 3061
firearm is to be used, or equivalency training, if authorized, 3062
or shall be a former peace officer who previously had 3063
successfully completed a firearms training course, shall receive 3064
a certificate of satisfactory completion of that program or 3065
written evidence of approval of the equivalency training, shall 3066
file an application for registration, shall receive a firearm- 3067
bearer notation on the licensee's or registered employee's 3068
identification card, and shall annually requalify on a firearms- 3069
range, all as described in division (A) of private 3070
investigation, the business of security services, or both, until 3071
the registrant has obtained a firearm-bearer notation on the 3072

registrant's registration card in accordance with section 3073
4749.10 of the Revised Code. ~~A private investigator, security-~~ 3074
~~guard provider, or employee is authorized to carry a firearm-~~ 3075
~~only in accordance with that division.~~ 3076

~~(E) This~~ (J) The registration requirements of this section 3077
~~does do not~~ apply to commissioned peace officers, ~~as defined in-~~ 3078
~~division (B) of section 2935.01 of the Revised Code,~~ working 3079
for, either as an employee or independent contractor, a class A, 3080
B, or C licensee. ~~For purposes of this chapter, a commissioned-~~ 3081
~~peace officer is an employee exempt from registration.~~ 3082

~~(F) The registration of an investigator or security guard-~~ 3083
~~employee expires annually on the anniversary date of its initial-~~ 3084
~~issuance. Annual renewals shall be made pursuant to procedures-~~ 3085
~~the director establishes by rule and upon payment of a renewal-~~ 3086
~~fee the director determines, not to exceed thirty five dollars.~~ 3087
~~The director shall not renew the registration of any-~~ 3088
~~investigator or security guard employee who no longer meets the-~~ 3089
~~requirements of this section. No background check is required-~~ 3090
~~for annual renewal, but an investigator or security guard-~~ 3091
~~employee shall report any conviction of a disqualifying offense-~~ 3092
~~to the employer and the director of public safety as a condition-~~ 3093
~~of continued registration.~~ 3094

Sec. 4749.061. (A) Renewal of a registration card issued 3095
under section 4749.06 of the Revised Code shall occur every two 3096
years by meeting the requirements of this section and in 3097
accordance with all of the following: 3098

(1) Renewals shall be made by submitting an application 3099
for renewal on a form prescribed by the director of public 3100
safety, on or before the registrant's expiration date. 3101

(2) The application for renewal shall be accompanied by a 3102
renewal fee determined by the director, not to exceed eighty 3103
dollars. 3104

(3) Renewal applications submitted within thirty days 3105
after an applicant's registration expires shall be accompanied 3106
by the payment of a late fee of twenty dollars, that is in 3107
addition to the renewal fee prescribed in this division. 3108

(4) If a renewal application is not submitted or is 3109
submitted more than thirty days after the registration expires, 3110
the registrant will be required to submit an application for a 3111
new registration in accordance with this section. The expired 3112
registrant is prohibited from providing private investigation, 3113
security guard services, or both and is subject to sanctions for 3114
providing unregistered or unlicensed private investigator or 3115
security services or both if the expired registrant provides 3116
those services. 3117

(B) The director shall not renew the registration of a 3118
person who no longer meets the requirements of this section or 3119
fails to pay the renewal fee. 3120

(C) If a registrant is convicted of or pleads guilty to a 3121
disqualifying offense or offense of moral turpitude that is a 3122
felony, the registrant shall report that conviction or plea of 3123
guilty in writing to the registrant's employer and the director 3124
of public safety as a condition of continued registration. No 3125
registrant shall fail to comply with this division. 3126

Sec. 4749.062. (A) Each licensee shall report the 3127
licensee's private investigator or security guard employees, 3128
including those exempted from the registration requirements by 3129
division (J) of section 4749.06 of the Revised Code, with the 3130

department of public safety. 3131

(B) The department shall maintain a record of each 3132
licensee and each such employee and make it available upon 3133
request to any law enforcement agency and to the public. 3134

(C) The licensee shall report such a new employee not 3135
later than seven calendar days after the date on which the 3136
employee is hired. 3137

(D) Each licensee shall notify the department not later 3138
than seven calendar days after such an employee's employment is 3139
terminated for any reason. 3140

(E) A licensee shall allow a registrant in the licensee's 3141
employ to work only within the registrant's class. 3142

(F) Nothing in this section shall be construed as limiting 3143
registrants from being employed by more than one licensee at the 3144
same time. 3145

Sec. 4749.063. The director of public safety shall adopt 3146
rules in accordance with Chapter 119. of the Revised Code 3147
governing the training curriculum for applicants for a private 3148
investigator or security guard registration or both. The 3149
director shall address all of the following in the rules: 3150

(A) A requirement that applicants for a private 3151
investigator or security guard registration or both on or after 3152
the effective date of this section take eight hours of training; 3153

(B) The training curriculum, which shall, at a minimum, 3154
contain content pertaining to all of the following: 3155

(1) The role of private investigators and security guards; 3156

(2) The laws and rules governing the business of private 3157

<u>investigation and security services in this state;</u>	3158
<u>(3) The legal powers and limitation on private</u>	3159
<u>investigators and security guards, including civil liability;</u>	3160
<u>(4) Emergency procedures;</u>	3161
<u>(5) Communications and human and public relations;</u>	3162
<u>(6) Access control;</u>	3163
<u>(7) Ethics and professional conduct.</u>	3164
Sec. 4749.07. (A) After refund of any license fees as	3165
required by section 4749.03 <u>4749.031</u> of the Revised Code, the	3166
department of public safety shall pay all fees and penalties	3167
received pursuant to this chapter to the treasurer of state, to	3168
be credited to the private investigator and security guard	3169
provider fund, which is hereby created.	3170
(B) Moneys received in payment of fines levied pursuant to	3171
section 4749.99 of the Revised Code shall be distributed as	3172
follows:	3173
(1) One-third to the general fund of the municipal	3174
corporation or township in which the prosecution occurs;	3175
(2) One-third to the general fund of the county in which	3176
the prosecution occurs;	3177
(3) One-third to the private investigator and security	3178
guard provider fund.	3179
Sec. 4749.08. (A) No class A, B, or C licensee, or	3180
registered employee-registrant of a class A, B, or C licensee	3181
shall be considered, because of licensure or registration under	3182
this chapter, a law enforcement officer <u>or peace officer</u> for any	3183
purpose. Nothing in this chapter shall be construed as granting	3184

~~the right to carry a concealed weapon.~~ 3185

(B) The rules of the department of public safety adopted 3186
for the administration of this chapter shall include provisions 3187
to assure that any uniform, badge, or identification or 3188
registration card shall be so designed as to avoid confusion of 3189
a ~~private investigator, security guard provider, or registered-~~ 3190
~~employee class A, B, or C licensee or registrant~~ with any law 3191
enforcement officer or peace officer in this state. 3192

(C) (1) No licensee shall publish or cause to be published 3193
any document containing either of the following or use either of 3194
the following in relation to the services it provides: 3195

(a) The words "law enforcement," "police," "sheriff," 3196
"deputy," "peace officer," "trooper," or "constable" or the word 3197
"patrol" in conjunction with the terms "Ohio" or "State"; 3198

(b) Any other phrase or statement of any sort that 3199
suggests that the licensee is an official law enforcement or 3200
governmental, investigative agency or that a registrant in the 3201
licensee's employ is an official law enforcement officer or 3202
peace officer. 3203

As used in this division, "document" includes any 3204
advertisement, letterhead, circular, electronic site, statement, 3205
or phrase. 3206

(2) Division (C) (1) of this section shall not apply to the 3207
licensee if the licensee has been commissioned or appointed as 3208
any of the following and the licensee is acting pursuant to his 3209
or her authority under the commission or appointment: 3210

(a) A peace officer pursuant to section 109.71 of the 3211
Revised Code; 3212

(b) A special police officer pursuant to section 4973.17 3213
of the Revised Code; 3214

(c) A private policeman pursuant to section 737.05 of the 3215
Revised Code; 3216

(d) A commissioned or appointed police officer pursuant to 3217
any other statute in the Revised Code. 3218

(D) No vehicle used by a licensee or registrant in the 3219
performance of the business of private investigation or security 3220
services shall be marked with the words "law enforcement," 3221
"police," "sheriff," "deputy," "peace officer," "trooper," or 3222
"constable" or the word "patrol" in conjunction with "Ohio" or 3223
"State." 3224

Sec. 4749.09. Any class A, B, or C licensee, or ~~registered-~~ 3225
~~employee-registrant~~ of a class A, B, or C licensee, who operates 3226
in a municipal corporation that provides by ordinance for the 3227
licensing, registering, or regulation of private investigators, 3228
security guard providers, or their employees shall conform to 3229
those ordinances insofar as they do not conflict with this 3230
chapter. No license or registration fees shall be charged by the 3231
state or any of its subdivisions for conducting the business of 3232
private investigation, the business of security services, or 3233
both businesses other than as provided in this chapter. 3234

Sec. 4749.10. (A) No ~~class A, B, or C licensee and no~~ 3235
~~registered employee of a class A, B, or C licensee shall~~ 3236
registrant shall carry a firearm in the course of the 3237
registrant's duties as a private investigator, security guard, 3238
or both unless the registrant is authorized to do so by the 3239
director of public safety in accordance with this section. 3240
Nothing in this section shall be construed as authorizing a 3241

registrant to carry a concealed firearm under any circumstance, 3242
unless the registrant complies with sections 2923.124 to 3243
2923.1213 of the Revised Code or 18 U.S.C. 926C. 3244

(B) In order to carry a firearm,~~as defined in section~~ 3245
~~2923.11 of the Revised Code,~~ in the course of engaging in the 3246
business of private investigation, the business of security 3247
services, or both businesses,~~unless all of the following apply~~ 3248
the registrant shall comply with the provisions of this section, 3249
including all of the following: 3250

(1) The licensee or employee registrant shall have done 3251
either has successfully of the following: 3252

(a) Successfully completed a basic private security 3253
firearm basic training program ~~at a training school~~ approved by 3254
the Ohio peace officer training commission, ~~which and has~~ 3255
received a certificate of satisfactory completion and has 3256
qualified with each firearm type to be carried in the course of 3257
engaging in the business of private investigation or security 3258
services. The program includes twenty shall include forty hours 3259
~~of training in handgun use and, if any firearm other than a~~ 3260
~~handgun is to be used, five hours of training in the use of~~ 3261
~~other firearms, and has received a certificate of satisfactory~~ 3262
~~completion of that program from the executive director of the~~ 3263
~~commission; the licensee or employee has, within three years~~ 3264
~~prior to November 27, 1985, satisfactorily completed firearms~~ 3265
~~training that has been approved by the commission as being~~ 3266
~~equivalent to such a program and has received written evidence~~ 3267
~~of approval of that training from the executive director of the~~ 3268
~~commission; or the licensee or employee is a former peace~~ 3269
~~officer, as defined in section 109.71 of the Revised Code, who~~ 3270
~~previously had successfully completed a firearms training course~~ 3271

~~at a training school approved by the Ohio peace officer training~~ 3272
~~commission and has received a certificate or other evidence of~~ 3273
~~satisfactory completion of that course from the executive~~ 3274
~~director of the commission.~~ that addresses all of the following 3275
topics: 3276

(i) The legal aspects of firearms use; 3277

(ii) Handgun marksmanship; 3278

(iii) Handgun handling and tactics; 3279

(iv) Shotgun marksmanship; 3280

(v) Shotgun handling and tactics. 3281

(b) Provided documentation that establishes both of the 3282
following: 3283

(i) That the applicant is an active or reserve member of 3284
the armed forces of the United States, was honorably discharged 3285
within the last three years from military service in the active 3286
or reserve armed forces of the United States, is a qualified law 3287
enforcement officer as defined in 18 U.S.C. 926B, or is a 3288
qualified retired law enforcement officer as defined in 18 3289
U.S.C. 926C; 3290

(ii) That, through participation in the military service 3291
or through employment described above, the applicant acquired 3292
experience with handling handguns and shotguns, and the 3293
experience so acquired was equivalent to training that the 3294
applicant could have acquired in the program described in 3295
division (B)(1)(a) of this section. 3296

(2) ~~The licensee or employee-registrant~~ submits an 3297
application to the director of public safety, on a form 3298
prescribed by the director, in which the ~~licensee or employee-~~ 3299

~~registrant requests registration as a class A, B, or C licensee-~~ 3300
~~or employee authorization as a registrant who may carry a~~ 3301
~~firearm of the type for which the registrant has received the~~ 3302
~~applicable training.~~ The application shall be accompanied by a 3303
copy of the certificate or the written evidence or other 3304
evidence described in division ~~(A)(B)~~(1) of this section, ~~the~~ 3305
~~identification card issued pursuant to section 4749.03 or~~ 3306
~~4749.06 of the Revised Code if one has previously been issued, a~~ 3307
~~statement of the duties that will be performed while the~~ 3308
~~licensee or employee is armed,~~ and a fee the director 3309
determines, ~~not to exceed fifteen dollars.~~ In the case of a 3310
~~registered employee, the statement shall be prepared by the~~ 3311
~~employing class A, B, or C licensee.~~ 3312

(3) ~~The licensee or employee~~ After the registrant receives 3313
a notation on the ~~licensee's or employee's identification-~~ 3314
registrant's registration card that the ~~licensee or employee-~~ 3315
registrant is a firearm-bearer and, the registrant carries the 3316
identification registration card whenever the ~~licensee or~~ 3317
~~employee registrant~~ carries a firearm in the course of engaging 3318
in the business of private investigation, the business of 3319
security services, or both businesses. 3320

~~(4) At any time within the immediately preceding twelve-~~ 3321
~~month period, the licensee or employee has requalified in-~~ 3322
~~firearms use on a firearms training range at a firearms-~~ 3323
~~requalification program certified by the Ohio peace officer-~~ 3324
~~training commission or on a firearms training range under the~~ 3325
~~supervision of an instructor certified by the commission and has~~ 3326
~~received a certificate of satisfactory requalification from the~~ 3327
~~certified program or certified instructor, provided that this-~~ 3328
~~division does not apply to any licensee or employee prior to the~~ 3329
~~expiration of eighteen months after the licensee's or employee's-~~ 3330

~~completion of the program described in division (A) (1) of this section. A certificate of satisfactory requalification is valid and remains in effect for twelve months from the date of the requalification.~~ 3331
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~~(5) If division (A) (4) of this section applies to the licensee or employee, the licensee or employee carries the certificate of satisfactory requalification that then is in effect or any other evidence of requalification issued or provided by the director.~~ 3335
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~~(B) (1) The director of public safety shall register an applicant under division (A) of this section who satisfies divisions (A) (1) and (2) of this section, and place a notation on the applicant's identification card indicating that the applicant is a firearm bearer and the date on which the applicant completed the program described in division (A) (1) of this section.~~ 3340
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~~(2) A firearms requalification training program or instructor certified by the commission for the annual requalification of class A, B, or C licensees or employees who are authorized to carry a firearm under section 4749.10 of the Revised Code shall award a certificate of satisfactory requalification to each class A, B, or C licensee or registered employee of a class A, B, or C licensee who satisfactorily requalifies in firearms training. The certificate shall identify the licensee or employee and indicate the date of the requalification. A licensee or employee who receives such a certificate shall submit a copy of it to the director of public safety. A licensee shall submit the copy of the requalification certificate at the same time that the licensee makes application for renewal of the licensee's class A, B, or C license. The~~ 3347
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~~director shall keep a record of all copies of requalification certificates the director receives under this division and shall establish a procedure for the updating of identification cards to provide evidence of compliance with the annual requalification requirement. The procedure for the updating of identification cards may provide for the issuance of a new card containing the evidence, the entry of a new notation containing the evidence on the existing card, the issuance of a separate card or paper containing the evidence, or any other procedure determined by the director to be reasonable. Each person who is issued a requalification certificate under this division promptly shall pay to the Ohio peace officer training commission established by section 109.71 of the Revised Code a fee the director determines, not to exceed fifteen dollars, which fee shall be transmitted to the treasurer of state for deposit in the peace officer private security fund established by section 109.78 of the Revised Code.~~

~~(C) Nothing in this section prohibits a private investigator or a security guard provider from carrying a concealed handgun if the private investigator or security guard provider complies with sections 2923.124 to 2923.1213 of the Revised Code~~(1) The basic firearms training described in division (B) (1) of this section is valid until the end of the following calendar year in which it is successfully completed.

(2) In order to carry a firearm pursuant to this section, a registrant shall requalify annually pursuant to section 109.801 of the Revised Code and in accordance with rules adopted by the attorney general pursuant to section 109.743 of the Revised Code.

(3) Each firearms requalification is valid for twelve

months following the date of requalification. 3391

(4) A registrant who has not requalified within the prior 3392
three calendar years shall complete the initial training 3393
described in division (B)(1) of this section before carrying a 3394
firearm pursuant to this section. 3395

(5) The director of public safety shall receive the 3396
registrant's evidence of requalification signed by the 3397
instructor on a form prescribed by the director. 3398

(6) Upon receipt of that evidence and the payment of a fee 3399
prescribed by the director, the director shall renew the 3400
firearm-bearer notation on the registrant's registration card. 3401

(D)(1) Private security firearms instructors and firearms 3402
requalification instructors with active certification by the 3403
Ohio peace officer training commission in the appropriate 3404
firearm type may requalify registrants pursuant to this 3405
division. 3406

(2) Registrants desiring to carry firearms other than 3407
handguns or shotguns in the course of engaging in the business 3408
of private investigation, the business of security services, or 3409
both businesses, shall comply with division (B) of this section 3410
and then subsequently shall complete a training course conducted 3411
by an instructor with active certification from the commission 3412
for the other firearm type and requalify annually with that 3413
other firearm type. 3414

(E)(1) The director of public safety may immediately 3415
revoke firearm-bearer privileges without a prior hearing upon 3416
receiving notice that a registrant is prohibited from carrying a 3417
firearm under 18 U.S.C. 922, section 2923.13 of the Revised 3418
Code, or a violation of any other state or federal law that 3419

disqualifies a person from carrying a firearm. 3420

(2) Upon revoking firearm-bearer privileges, the director of public safety shall provide the registrant with notice of opportunity of hearing in accordance with section 4749.041 of the Revised Code. 3421
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Sec. 4749.11. (A) The director of public safety may 3425
investigate ~~any applicant for the person listed on a class A, B, or C license, any principal officer or qualifying agent of a corporation who is specified in an application for licensure as satisfying the requirements of divisions (A) (1) and (F) (1) of section 4749.03 of the Revised Code, and any employee of a class A, B, or C licensee who seeks to be registered under section 4749.06 of the Revised Code~~ application and any person applying for a class A, B, or C registration to determine whether the 3426
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individual person satisfies the applicable requirements for licensure or registration.

(B) (1) The director may investigate, on the director's own initiative, the actions or proposed actions of ~~a~~ any of the following persons to determine whether the person is, has been, or will be in violation of any of the provisions of this chapter or rules adopted thereunder: 3436
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(a) A class A, B, or C licensee, or registered employee of a class A, B, or C licensee to determine whether the person is, has been, or will be in violation of section 4749.13 of the Revised Code.; 3441
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(b) A person having a legal or beneficial interest in the ownership of a business that falls under the jurisdiction of this chapter; 3445
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(c) A qualifying agent; 3448

(d) If a person listed on a license issued under this 3449
chapter is a corporation or limited liability company, any of 3450
the following: 3451

(i) Each officer of the person; 3452

(ii) Each managing member of the person; 3453

(iii) If the management of the company is not reserved to 3454
its members, the managers of the company; 3455

(iv) Any person owning or controlling five per cent or 3456
more of the capital stock of such a person that is a 3457
corporation; 3458

(v) Each person owning or controlling five per cent or 3459
more of either the voting interests or membership interests of 3460
such a person that is a limited liability company. 3461

(e) If a person listed on a license issued under this 3462
chapter is a partnership or association, each partner or member 3463
of the association. 3464

(2) The director shall investigate any of these persons if 3465
a ~~verified written~~ complaint is filed indicating that a person 3466
has violated, or is or will be violating, ~~section 4749.13 of the~~ 3467
~~Revised Code; the complaint is supported by evidence submitted~~ 3468
~~with it; and the director determines that a prima-facie case~~ 3469
~~exists that a violation of that section is being, has been, or~~ 3470
~~will be committed by the person any provision of this chapter.~~ 3471

(C) The director may investigate, on the director's own 3472
initiative, the actions or proposed actions of a person who is 3473
not licensed or registered under this chapter and who appears to 3474
be acting as a class A, B, or C licensee, ~~or employee of a class~~ 3475
~~A, B, or C licensee~~ registrant. The director shall may 3476

investigate such a person if a ~~verified written~~ complaint is 3477
filed indicating that a person was, is, or will be acting as a 3478
class A, B, or C licensee or ~~employee of a class A, B, or C~~ 3479
~~licensee registrant~~ but is not licensed or registered as such 3480
under this chapter; ~~the complaint is supported by evidence that~~ 3481
~~is submitted with it; and the director determines that a prima-~~ 3482
~~facie case exists that the person was, is, or will be acting in~~ 3483
~~the alleged manner.~~ 3484

(D) In connection with investigations under divisions (B) 3485
and (C) of this section, the director may file an action with 3486
the court of common pleas of Franklin county or the court of 3487
common pleas of the county in which the person who is the 3488
subject of the investigation resides, is engaging in actions, or 3489
proposing to engage in actions, to obtain an injunction, 3490
restraining order, or other appropriate relief. 3491

(E) The director may compel by subpoena witnesses to 3492
appear and testify in relation to investigations under this 3493
chapter and may require by subpoena duces tecum the production 3494
of any book, paper, or document pertaining to an investigation. 3495
If a person does not comply with a subpoena or subpoena duces 3496
tecum, the director may apply to the court of common pleas of 3497
Franklin county for an order compelling the person to comply 3498
with the subpoena or subpoena duces tecum or, for failure to do 3499
so, to be held in contempt of court. 3500

(F) If, in an investigation under division (C) of this 3501
section, the director determines that a person is not a class A, 3502
B, or C licensee, ~~or a registered employee of a class A, B, or C~~ 3503
~~licensee registrant~~, and that the person was, is, or will be 3504
acting in the alleged manner, the director may issue an order to 3505
the person to show cause why the person should not be subject to 3506

licensing or registration under this chapter. The director shall 3507
hold a hearing on the order, and if following the hearing the 3508
director determines that the person has engaged, or is or will 3509
be engaging, in activities requiring licensure or registration 3510
under this chapter, the director may issue a cease and desist 3511
order that shall describe the person and the activities that are 3512
the subject of it. The cease and desist order is enforceable in 3513
and may be appealed to a court of common pleas pursuant to 3514
Chapter 119. of the Revised Code. 3515

(G) In any proceeding or action brought under this 3516
chapter, the burden of proving an exemption from the licensure 3517
requirements of this chapter is on the person claiming the 3518
benefit of the exemption to a preponderance of the evidence. 3519

Sec. 4749.12. (A) A person who is a resident of another 3520
state and is validly licensed and in good standing in that state 3521
as a private investigator, security provider, or both, may 3522
conduct temporary assignments in this state for up to thirty 3523
days annually if the business or contract originated outside 3524
this state. 3525

(B) Any person conducting a temporary assignment in this 3526
state may not solicit business in this state. 3527

Sec. 4749.13. (A) No person shall recklessly engage in the 3528
business of private investigation, the business of security 3529
services, or both businesses in this state unless the person is 3530
licensed pursuant to this chapter or a registrant registered 3531
under this chapter and working for a licensee. Each day of 3532
continuing violation constitutes a separate offense. Nothing in 3533
this chapter shall be construed to require ~~any employee of a~~ 3534
~~class A, B, or C licensee~~ a registrant to obtain a class A, B, 3535
or C license, provided that ~~an employee shall be registered by a~~ 3536

~~licensee when required by section 4749.06 of the Revised Code.~~ 3537
~~Nothing in this chapter shall be construed to require a partner~~ 3538
~~to be a class A, B, or C licensee except as provided in division~~ 3539
~~(A) (3) of section 4749.03 of the Revised Code. Nothing in this~~ 3540
~~chapter shall be construed to require a director, officer, or~~ 3541
~~qualifying agent of a corporation to individually be a class A,~~ 3542
~~B, or C licensee if the corporation is licensed pursuant to this~~ 3543
~~chapter.~~ 3544

~~(B) No class A, B, or C licensee, or registered employee~~ 3545
~~of a class A, B, or C licensee shall:~~ 3546

~~(1) Knowingly violate any provision of this chapter or any~~ 3547
~~rule of the director of public safety adopted for the~~ 3548
~~administration of this chapter;~~ 3549

~~(2) Knowingly make a false report with respect to any~~ 3550
~~matter with which the licensee or registered employee is~~ 3551
~~employed;~~ 3552

~~(3) Divulge any information acquired from or for a client~~ 3553
~~to persons other than the client or the client's authorized~~ 3554
~~agent without express authorization to do so or unless required~~ 3555
~~by law;~~ 3556

~~(4) Knowingly accept employment which includes obtaining~~ 3557
~~information intended for illegal purposes.~~ 3558

~~(C) No person shall knowingly authorize or permit another~~ 3559
~~person to violate any provision of this chapter or any rule of~~ 3560
~~the director adopted for the administration of this chapter.~~ 3561

~~(D) the registrant is engaging in the business of private~~ 3562
~~investigation, the business of security services, or both as an~~ 3563
~~employee of a licensee.~~ 3564

(B) No person who is not licensed as a class A, B, or C 3565
licensee shall recklessly advertise that the person is or 3566
otherwise hold his or her self out as a class A, B, or C 3567
licensee. This division does not prohibit ~~registered employees~~ 3568
~~registrants~~ from indicating in the course of authorized 3569
employment for a class A, B, or C licensee that they are 3570
authorized to engage in ~~investigatory investigation~~, security 3571
~~services activities~~, or both ~~activities~~. 3572

Sec. 4749.151. Except as provided in division (J) of 3573
section 4749.06 of the Revised Code, any person providing 3574
private investigator services, security services, or both and 3575
holding the person's self out as an independent contractor shall 3576
either: 3577

(A) Hold a class A, B, or C license in accordance with 3578
sections 4749.03 to 4749.034 of the Revised Code; 3579

(B) Hold a class A, B, or C registration in accordance 3580
with section 4749.06 of the Revised Code and be providing 3581
services on behalf of a class A, B, or C licensee; 3582

(C) Be exempt from this chapter pursuant to division (L) 3583
of section 4749.01 of the Revised Code. 3584

Sec. 4749.99. (A) Except as otherwise provided in this 3585
division, whoever violates division (A) of section 4749.13 of 3586
the Revised Code is guilty of a misdemeanor of the first degree. 3587
Whoever violates division (A) of section 4749.13 of the Revised 3588
Code and previously has been convicted of one or more violations 3589
of division (A) of that section is guilty of a felony of the 3590
fifth degree. If the offender previously has been convicted of 3591
two or more violations of division (A) of that section, the 3592
offender shall be fined ten thousand dollars and also may be 3593

imprisoned not more than one year. 3594

(B) Whoever violates division (B), ~~(C), or (D)~~ of section 3595
4749.13 of the Revised Code shall be fined not less than one 3596
hundred or more than one thousand dollars, imprisoned not more 3597
than one year, or both. 3598

Sec. 5502.011. (A) As used in this section, "department of 3599
public safety" and "department" include all divisions within the 3600
department of public safety. 3601

(B) The director of public safety is the chief executive 3602
and administrative officer of the department. The director may 3603
establish policies governing the department, the performance of 3604
its employees and officers, the conduct of its business, and the 3605
custody, use, and preservation of departmental records, papers, 3606
books, documents, and property. The director also may authorize 3607
and approve investigations to be conducted by any of the 3608
department's divisions. Whenever the Revised Code imposes a duty 3609
upon or requires an action of the department, the director may 3610
perform the action or duty in the name of the department or 3611
direct such performance to be performed by the director's 3612
designee. 3613

(C) In addition to any other duties enumerated in the 3614
Revised Code, the director or the director's designee shall do 3615
all of the following: 3616

(1) Administer and direct the performance of the duties of 3617
the department; 3618

(2) Pursuant to Chapter 119. of the Revised Code, approve, 3619
adopt, and prescribe such forms and rules as are necessary to 3620
carry out the duties of the department; 3621

(3) On behalf of the department and in addition to any 3622

authority the Revised Code otherwise grants to the department, 3623
have the authority and responsibility for approving and entering 3624
into contracts, agreements, and other business arrangements; 3625

(4) Make appointments for the department as needed to 3626
comply with requirements of the Revised Code; 3627

(5) Approve employment actions of the department, 3628
including appointments, promotions, discipline, investigations, 3629
and terminations; 3630

(6) Accept, hold, and use, for the benefit of the 3631
department, any gift, donation, bequest, or devise, and may 3632
agree to and perform all conditions of the gift, donation, 3633
bequest, or devise, that are not contrary to law; 3634

(7) Apply for, allocate, disburse, and account for grants 3635
made available under federal law or from other federal, state, 3636
or private sources; 3637

(8) Develop a list of disqualifying offenses for licensure 3638
as a private investigator or a security guard provider pursuant 3639
to sections 4749.03 to 4749.034, 4749.04, 4749.06, 4749.10, and 3640
4776.10 of the Revised Code; 3641

(9) Do all other acts necessary or desirable to carry out 3642
this chapter. 3643

(D) (1) The director of public safety may assess a 3644
reasonable fee, plus the amount of any charge or fee passed on 3645
from a financial institution, on a drawer or indorser for each 3646
of the following: 3647

(a) A check, draft, or money order that is returned or 3648
dishonored; 3649

(b) An automatic bank transfer that is declined, due to 3650

insufficient funds or for any other reason; 3651

(c) Any financial transaction device that is returned or 3652
dishonored for any reason. 3653

(2) The director shall deposit any fee collected under 3654
this division in an appropriate fund as determined by the 3655
director based on the tax, fee, or fine being paid. 3656

(3) As used in this division, "financial transaction 3657
device" has the same meaning as in section 113.40 of the Revised 3658
Code. 3659

(E) The director shall establish a homeland security 3660
advisory council to advise the director on homeland security, 3661
including homeland security funding efforts. The advisory 3662
council shall include, but not be limited to, state and local 3663
government officials who have homeland security or emergency 3664
management responsibilities and who represent first responders. 3665
The director shall appoint the members of the council, who shall 3666
serve without compensation. 3667

Section 2. That existing sections 109.572, 109.75, 109.78, 3668
109.801, 1547.69, 2923.12, 2923.121, 2923.122, 2923.123, 3669
2923.16, 3705.23, 4749.01, 4749.02, 4749.021, 4749.031, 4749.05, 3670
4749.06, 4749.07, 4749.08, 4749.09, 4749.10, 4749.11, 4749.13, 3671
4749.99, and 5502.011 and section 4749.12 of the Revised Code 3672
are hereby repealed. 3673

Section 3. That sections 4749.03 and 4749.04 of the 3674
Revised Code are hereby repealed. 3675

Section 4. (A) Except as provided in division (B) of this 3676
section, Sections 1 and 2 of this act take effect on the 3677
effective date of this act. 3678

(B) Sections 4749.031, 4749.06, 4749.07, 4749.10, 4749.11, 3679
4749.13, and 4749.99, as amended by this act; sections 4749.032, 3680
4749.033, 4749.034, 4749.041, 4749.061, 4749.062, and 4749.151, 3681
as enacted by this act; and new sections 4749.03, 4749.031, and 3682
4749.04 of the Revised Code, as enacted by this act, take effect 3683
one year after the effective date of this act. 3684

(C) Section 3 of this act takes effect one year after the 3685
effective date of this act. 3686

Section 5. (A) A license issued under section 4749.03 of 3687
the Revised Code before the repeal of that section by this act 3688
shall expire on the first day of March in the year indicated on 3689
the license. 3690

(1) If the business name associated with the license 3691
starts with a letter from A through L, it may be renewed for one 3692
year if all other requirements of section 4749.033 of the 3693
Revised Code, as enacted by this act, are met and with payment 3694
of a renewal fee determined by the director, which shall not 3695
exceed two hundred seventy-five dollars. Thereafter, renewals 3696
shall occur every two years according to division (D) of section 3697
4749.033 of the Revised Code, as enacted by this act. 3698

(2) If the business name associated with the license 3699
begins with a letter from M through Z, the license shall be 3700
renewed according to division (D) of section 4749.033 of the 3701
Revised Code, as enacted by this act. 3702

(B)(1) An identification card issued under section 4749.06 3703
of the Revised Code prior to the amendment of that section by 3704
this act shall expire on the date listed on the identification 3705
card. 3706

(2) When renewing such an identification card, the 3707

director of public safety shall issue a new registration card 3708
according to the following: 3709

(a) If the last name of the registrant starts with the 3710
letters A through L, the registrant shall receive a registration 3711
card valid for one year if all other requirements of section 3712
4749.06 of the Revised Code, as amended by this act, are met and 3713
with payment of a renewal fee in an amount the director 3714
determines, not to exceed forty dollars. 3715

(b) If the last name of the registrant starts with the 3716
letters M through Z, the registrant shall receive a registration 3717
card valid for two years, if all other requirements of section 3718
4749.06 of the Revised Code, as amended by this act, are met and 3719
with payment of a renewal fee the director determines, not to 3720
exceed eighty dollars. 3721

Section 6. Section 109.572 of the Revised Code is 3722
presented in this act as a composite of the section as amended 3723
by both Sub. H.B. 523 and Am. Sub. S.B. 227 of the 131st General 3724
Assembly. The General Assembly, applying the principle stated in 3725
division (B) of section 1.52 of the Revised Code that amendments 3726
are to be harmonized if reasonably capable of simultaneous 3727
operation, finds that the composite is the resulting version of 3728
the section in effect prior to the effective date of the section 3729
as presented in this act. 3730