

PROTECTING ★ THE ★ UNPROTECTED



# Ohio's Concealed-Carry Laws and License Application

**June 2022**



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OHIO ATTORNEY GENERAL

Dear Fellow Ohioan,

As affirmed by the U.S. Constitution and the Ohio Constitution, the right to keep and bear arms is a fundamental element of individual liberty.

Carrying concealed handguns responsibly is an important part of exercising that right.

As Ohio's Attorney General, I am pleased to bring you this updated summary of our state's concealed-carry laws. This edition covers changes made by Ohio Senate Bill 215, which took effect on June 13, 2022.



The new law creates two ways to carry concealed. First, it preserves the existing system of training that results in an official concealed-carry license, in the form of a photo ID card. For the first time in Ohio history, though, the law also authorizes concealed carry without a permit. This means that any Ohioan 21 or older who is not prohibited by law from possessing a firearm can carry a concealed handgun.

Even though permitless carry is now legal, however, I urge any Ohioan seeking to carry concealed to take the steps necessary to get an official concealed-carry license. The cost is low, the class runs only eight hours and the training in safe gun handling is invaluable.

There are other advantages, too. The license card will ensure that you can continue to carry your handgun when traveling in states that honor Ohio's concealed-carry license. The card also will allow you to skip the background check when you buy a gun, saving you time and paperwork.

For those who decide to carry without a permit, I still recommend training. It's also vital that you familiarize yourself with Ohio laws about self-defense and concealed carry — because ignorance can have a high cost. Misuse of deadly force can not only result in injury and death but also lead to prison and financial ruin.

I am committed to the comprehensive training of law enforcement and the public regarding concealed-carry laws, expansion of reciprocity agreements with other states whenever possible, and protection of the public.

I hope you find the information in this publication informative. I welcome your comments and suggestions.

Sincerely,

A handwritten signature in black ink that reads "Dave Yost". The signature is written in a cursive, flowing style.

Dave Yost  
Ohio Attorney General

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## Introduction

As required by Ohio law, this publication broadly addresses several areas of firearms law. It represents neither a formal nor informal opinion of the Ohio Attorney General; rather, it is a summary of prevailing firearms and self-defense laws. This booklet may be updated without notice. It is not intended to be a substitute for the advice of a lawyer or for common sense.

Informational in nature, this publication cannot cover all possible scenarios regarding carrying concealed handguns. For the most recent edition covering the most current laws, consult the Attorney General's website at **[www.OhioAttorneyGeneral.gov](http://www.OhioAttorneyGeneral.gov)**.

There are many areas of Ohio law that affect your decision to carry a concealed handgun, and you should consult an attorney for specific information. The Ohio Attorney General can provide legal advice only to state agencies, elected state officials and state employees.

## Terminology

In this publication, "CCW" stands for "carrying a concealed weapon." "CHL" stands for "concealed handgun license." Also, sections of the Ohio Revised Code — the laws passed by the General Assembly — are referenced with the abbreviation "ORC," followed by the relevant code number. The ORC is available online and at law libraries and some public libraries. Ohioans are encouraged to read the law themselves and use this booklet as a guide.

**Laws change!** For the most up-to-date information on carrying a concealed handgun, visit the Attorney General's website at **[www.OhioAttorneyGeneral.gov](http://www.OhioAttorneyGeneral.gov)**.

## Two Ways to Carry Concealed

On June 13, 2022, Ohio launched a new concealed-carry law that results in two ways to legally carry a concealed handgun.

First, the law preserves the state's existing concealed-carry licensing program, which requires license-seekers to successfully complete eight hours of training, then apply for a concealed-handgun license (CHL) from any Ohio county sheriff. Successful applicants receive a photo-ID card from the sheriff identifying them as licensed concealed-carriers. This guide will refer to these licensees as "CHL holders."

Effective June 13, a second form of legal concealed carry is also available to Ohioans: “permitless carry,” which is also commonly called “constitutional carry.” This allows Ohioans who are at least 21 years old to carry a concealed handgun with no training or licensing requirement as long as they are a legal U.S. resident and legally qualified to possess a handgun. (No one who is legally prohibited from possessing a firearm — a convicted felon, for example — may carry concealed in Ohio. If you are unsure about your legal status, consult a lawyer.) This guide refers to those who carry concealed without a formal permit as “permitless carriers.”

Permitless carriers are subject to the same laws, rules and prohibitions as CHL holders, with one important exception. CHL holders are permitted to carry a handgun in their vehicle when they drive into a school safety zone.

**Permitless carriers may NOT carry a handgun in their vehicle when they drive into a school safety zone. Doing so is a felony under state and federal law.**

*NOTE: When this guide refers to “concealed carriers,” the term includes CHL holders and permitless carriers.*

## **A Crucial Difference Between CHL Holders and Permitless Carriers**

CHL holders undergo eight hours of training to earn a concealed-handgun license. The training covers handgun operation, and safe handling of guns and ammunition. In addition, these students are required to spend two hours on a shooting range learning how to shoot a pistol safely under the guidance of certified instructors. Students also are required to read this guide to become familiar with Ohio’s laws regarding self-defense and concealed carry.

Those who choose to be permitless carriers are NOT required to undergo this training. This does not mean that training is unnecessary, however. On the contrary, anyone intending to carry concealed is advised to seek training because the risks of carrying without training are high, including:

- Injury or death resulting from unsafe gun handling and operation.
- Criminal liability — including going to prison — for using deadly force outside of the very narrow guidelines of Ohio’s self-defense law.

- Civil liability if you are sued for using your firearm, with potentially devastating financial penalties.
- Legal costs — which can easily run into the tens of thousands of dollars — to defend your claim of self-defense in court or to defend yourself in a civil lawsuit, or both.

The stakes are so high that the time and expense of training pale in comparison. Carrying a concealed handgun poses the same kind of risks and responsibilities as operating a motor vehicle.

### **The Ohio Attorney General's Office urges everyone who chooses to carry concealed to seek training.**

Information about trainers can be found on the Ohio Attorney General's website at [www.OhioAttorneyGeneral.gov/Law-Enforcement/Concealed-Carry/Concealed-Carry-Instructor-Search](http://www.OhioAttorneyGeneral.gov/Law-Enforcement/Concealed-Carry/Concealed-Carry-Instructor-Search).

### **Other Changes in Ohio Concealed-Carry Law**

- CHL holders no longer are required to carry their CHL card on their person while carrying concealed.
- Concealed carriers who have an official interaction with law enforcement — such as a traffic stop — no longer are required to promptly inform the officer that they are carrying a concealed handgun. However, if the officer asks whether you are carrying a weapon, you must answer truthfully.

### **How to Use This Guide**

The opening chapters of this guide (Pages 4-13) explain how to apply for an official concealed-handgun license; they do not apply to those who choose permitless carry.

Subsequent chapters outline the laws for all concealed carriers — permitless carriers and CHL holders — unless otherwise specified.

# **Training and Educational Requirements for a Concealed-Handgun License**

## **Training and Competency Certification**

Before you obtain a license to carry a concealed handgun, you will need proof of your competency certification. Competency can be established by providing one of the following:

- A certificate of completion of a firearms safety course that was offered by or under the auspices of a national gun advocacy organization. A sheriff issuing a license must determine if an organization qualifies.

The course must meet certain minimum educational requirements (See the section of this publication titled, “Minimum Educational Requirements” for additional information about the specific areas that must be covered in training.).

Or:

- A certificate of completion of a class that was open to the public and used instructors approved by a national gun training organization or the Ohio Peace Officer Training Commission (OPOTC), or approved instructors of another state and was offered under the authority of a law enforcement agency of Ohio or another state, college, or firearms training school that meets the minimum educational requirements.

Or:

- A certificate of completion of a state, county, municipal or Ohio Department of Natural Resources (ODNR) peace officer training school that is approved by the executive director of OPOTC that complies with the law’s training requirements and meets the minimum educational requirements.

Or:

- A document that shows the applicant is an active or reserve member of the Armed Forces, has retired or was honorably discharged from the Armed Forces, is a retired highway patrol trooper, or is a retired peace officer or federal law enforcement officer, and who, through the position, acquired experience with handguns or other firearms that was equivalent to the minimum educational requirements.

Or:

- A certificate of completion of a class not otherwise described in this publication that was conducted by an instructor who was certified by an official or entity of Ohio, another state, the U.S. government, or a national gun-training organization that complies with the minimum educational requirements.

Or:

- An affidavit from a qualified instructor that attests to the applicant's completion of a course that satisfied the minimum educational requirements (this affidavit is valid for three years from the date of issue).

Or:

- A document that shows the applicant has successfully completed the Ohio Peace Officer Training Program contained in ORC 109.79.

*Statutory reference(s): The types of competency certifications are described in ORC 2923.125(B)(3)(a)-(g).*

## **Temporary Emergency License**

The law allows for the issuance of an emergency license without proof of competency certification under extraordinary circumstances. The law states that upon receipt of evidence of imminent danger; a sworn affidavit; an application fee of \$15, plus the cost of either a BCI or FBI background check; and a set of applicant fingerprints, a license will be issued. To determine the actual cost, consult your county sheriff. This license may be issued to an Ohio resident or non-resident temporarily staying in Ohio.

The sheriff must immediately conduct a criminal records check on the applicant. The sheriff must determine whether the applicant is prohibited from having a license and, if not, immediately issue the license.

1. Evidence of *imminent* danger must take two forms:
  - a. A sworn statement by the applicant stating that the applicant has reasonable cause to fear a criminal attack upon himself or herself or a family member such as would justify a prudent person to arm oneself; or
  - b. A written document from a government entity or public official describing facts that give the person reasonable cause to fear



such a criminal attack. Such documents may include, but are not limited to, temporary protection orders, civil protection orders, a protection order of another state, a court order, and any report filed with or made by a law enforcement agency or prosecutor.

2. The sworn affidavit must attest that the applicant is a legal resident of the United States, at least 21 years of age, not a fugitive from justice, is not under indictment or charged with a crime, and has not been convicted of disqualifying crimes listed in ORC 2923.125(D)(1) and discussed under the “Application Process” section of this publication.

If the applicant has been convicted of or pleaded guilty to a disqualifying offense and has been relieved from this disability under operation of law or legal process, that offense(s) shall not be relevant for purposes of the sworn affidavit. For information on relief from disability, consult a private attorney.

The temporary emergency license lasts for 90 days and may be renewed only once every four years. If you wish to have your license last longer, you must apply for the license through the normal process and present proof of competency certification.

*Statutory reference(s): ORC 2923.1213 allows sheriffs to issue emergency licenses when there is evidence of imminent danger to the applicant. ORC 2923.1213(B)(3) does not allow sheriffs to consider sealed records for purposes of the sworn affidavit. To obtain a temporary emergency license, visit your local sheriff's office or download the application form at [www.OhioAttorneyGeneral.gov](http://www.OhioAttorneyGeneral.gov).*

## **Minimum Educational Requirements**

The Ohio Attorney General does not endorse any particular form of training or instructor. However, a list of instructors certified by the Ohio Peace Officer Training Commission (OPOTC) to teach classes to the general public is available on the Attorney General's website at [www.OhioAttorneyGeneral.gov/Law-Enforcement/Concealed-Carry/Concealed-Carry-Instructor-Search](http://www.OhioAttorneyGeneral.gov/Law-Enforcement/Concealed-Carry/Concealed-Carry-Instructor-Search). County sheriffs also may have a list of certified instructors who have provided contact information to the sheriff.

The law sets out minimum educational requirements that are a component of the various forms of competency certification as set forth previously. The total time required for training is eight hours with a minimum of two hours of in-person training that consists of range time and live-fire training.

The law requires certified training in the following matters:

- The ability to name, explain and demonstrate the rules for safe handling of a handgun and proper storage practices for handguns and ammunition.
- The ability to demonstrate and explain how to handle ammunition in a safe manner.
- The ability to demonstrate the knowledge, skills and attitude necessary to shoot a handgun in a safe manner;
- Gun-handling training.

Additionally, you must have two hours of in-person training, including range time and live-fire experience. The applicant also must complete an examination that tests his or her competency. The test must include a written section on the ability to name and explain the rules for the safe handling of a handgun and proper storage practices for handguns and ammunition. Additionally, the exam must include an in-person physical demonstration of competency on handgun usage and rules for safe handling and storage of a handgun. It also must require a physical demonstration of the attitude necessary to shoot a handgun in a safe manner.

The training and written exam may be completed online or as a combination of in-person and online training. The online portion of the training must include a component that regularly engages the person.

As an advisory to consumers, the Attorney General recommends that anyone contemplating private handgun training take the following minimum steps before paying for any form of training:

- Verify that the person teaching the class is qualified to teach.
- Confirm that the instructor knows the requirements of the law. (A reputable instructor will provide you with this publication.)
- Verify whether a refund or additional training may be available if a county sheriff determines, when you apply for a license, that the course did not meet the law's requirements.

*Statutory reference(s): ORC 2923.125(G)(1) requires that all applicants be given the website address where this publication may be found. This publication may be found at **[www.OhioAttorneyGeneral.gov](http://www.OhioAttorneyGeneral.gov)**.*

*ORC 2923.125(G)(2) requires that applicants take and pass a written examination.*

## The Application Process

**Do not take your handgun with you when you apply for your license at your local sheriff's office.**

To begin the application process, you must apply to the sheriff in the county where you reside or an adjoining county. Call ahead to determine the times that applications are accepted and confirm what documentation may be necessary.

The sheriff must accept applications and supporting documents for temporary emergency licenses during normal business hours. The sheriff must provide application forms and accept license applications and supporting documents for regular licenses at least 15 hours each week. The sheriff shall post a notice of the hours during which the sheriff is available to accept applications or to provide information about the licensing process.

The sheriff must provide you with the internet link to obtain a printable application form; also, you should be given, and read, this booklet. You must pay a fee, which will vary depending on the background check the sheriff must conduct. The minimum fee for a background check and license is \$67. You must provide evidence of your competency certification as described above and certify that you have read this publication. Competency certification is valid for three years from the date of issuance. Applicants also must submit their fingerprints, which are necessary for the background check.

The applicant must state whether he or she has a concealed-handgun license that is currently suspended and whether or not he or she has previously applied for a concealed-handgun license. If the applicant has previously applied for a license, the applicant must provide the name of the county in which the application was made.

All licenses expire five years after the issue date.

*Statutory reference(s): Under ORC 2923.125(A), upon request, the sheriff must provide you with the application form at no charge and the website address at which this publication may be found. This publication may be found at **[www.OhioAttorneyGeneral.gov](http://www.OhioAttorneyGeneral.gov)**.*

*ORC 2923.125(B)(4) requires that applicants certify that they have read this publication.*

*ORC 2923.125(B)(1)(a) states applicants must pay an application fee that will vary based on the type of background check required and sets the minimum fee at \$67.*

*ORC 2923.125(B)(2) requires applicants to provide a color photograph taken within 30 days of the application date. However, some sheriffs' offices may take these photographs themselves.*

*ORC 2923.125(B)(3) requires that applicants submit proof of competency at the time of the application.*

*ORC 2923.125(B)(5) requires applicants submit to fingerprinting necessary to conduct a background check.*

# **Sheriff's Criteria for Issuing the License**

## **Ohio Residents in the Armed Forces**

You are considered an Ohio resident for purposes of obtaining and renewing a license to carry a concealed handgun if you are absent from the country, Ohio, or an Ohio county while complying with military or naval orders as an active or reserve member of the Armed Forces of the United States. Prior to leaving this state in compliance with those orders, you must be legally living in the United States and be a resident of this state. Solely by reason of that absence, you are not considered to have lost your status as living in the United States or your residence in this state or in the county in which you were a resident prior to leaving this state in compliance with those orders. Your intention to return or not to the United States or Ohio is of no consequence. Your spouse or dependent is also exempt from the residency requirements during the period of your service and for six months after if spouse or dependent was licensed before your active duty begins or obtained a license while you are on active duty if they relocated outside of Ohio during your period of service. Your spouse or dependent may also submit an application to renew your license during the period of your active duty or service.

*Statutory reference: ORC 2923.125(D)(1)(a) allows persons deployed in the military to obtain Ohio concealed carry licenses under certain conditions.*

## **Special Considerations for Members of the Armed Forces**

You may not need to obtain a concealed-handgun license to carry under certain circumstances. If you are an active-duty member of the U.S. Armed Forces and you have a valid military identification card and you have documentation of successful firearms training that meets or exceeds that required of Ohio licensees (see Page 4), you do not need to obtain an Ohio license. You may also transport a loaded firearm in a vessel under the same circumstances as a concealed-carry permit holder. In this booklet, the terms “concealed handgun license holder” or “licensee” includes those active duty members of Armed Forces with training documentation.

Under both federal and state law, “active duty” means full-time active duty in the U.S. military. The term includes full-time training duty, annual training duty and attendance while actively serving at a school designated as a service school by law or by the secretary of the military department concerned. The term does not include full-time National Guard duty.

Several different military identification cards may be acceptable as valid. A valid military identification card may be the Uniformed Services ID Card, also known as the Common Access Card, which is commonly used by the Armed Forces.

Sheriffs must waive license and renewal fees for active and honorably discharged members of the Armed Forces. This fee waiver is subject to a statewide cap. If the cap is reached in a given year, the fee waiver will end for that year.

*Statutory reference: ORC 1547.699(H)(2), 2923.11(R), 2923.12(F)(6), 2923.125(B) & (I), 10 USC 101(d)(1)*

## **Criminal Record & NICS**

Prior to obtaining your license, you must provide the sheriff with complete information about your background. There are many criminal offenses that bar you from obtaining a license. There are many laws and conditions that prohibit you from owning a handgun. If you have questions about specifics, you should consult an attorney.

You must also pass a federal NICS (National Instant Criminal Background Check System) check to obtain an Ohio Concealed Carry License. The NICS system is maintained and administered by the FBI. The NICS check will be completed by the sheriff when you apply. The required NICS check is not done by a licensed gun dealer. If you cannot purchase a gun from a federally licensed gun dealer, you will not be able to obtain an Ohio Concealed Carry License. Questions regarding NICS, NICS checks and appealing NICS-based denials should be directed to the Federal Bureau of Investigation's website: **<http://www.fbi.gov/about-us/cjis/nics>**.

To obtain an Ohio concealed-handgun license, the following must also be true:

- You must not have had a concealed-handgun license issued by another state that is suspended.
- If you live in another state, you must be employed in Ohio.
- You cannot be an unlawful user of, or addicted to, any controlled substance as defined in 21 U.S.C. 802.
- If you are a nonimmigrant who is legally in the United States, you must have been lawfully admitted to the United States without a nonimmigrant visa or you were lawfully admitted under a nonimmigrant visa as defined in the federal Immigration and

Nationality Act, 8 U.S.C. 1101(a)(26) and fall within one of the exceptions listed in 18 U.S.C. 922(y)(2).

- You must not have been discharged from the U.S. Armed Forces under dishonorable conditions.
- You must not have renounced your U.S. citizenship.
- You must not have been convicted of or pleaded guilty to, or adjudicated a delinquent child for committing a violation of section 2919.25 of the Revised Code (domestic violence) or a similar violation in another state.

The law states that you must not be under indictment, be charged with, or convicted of any felony. You also must not be under indictment, charged with, or convicted of an offense that involves trafficking in drugs, a misdemeanor offense of violence, or negligent assault. You may not obtain a license if you have been charged with falsification of a concealed-handgun license.

In addition, you must not have been convicted of, pleaded guilty to, or been adjudicated as delinquent in connection with a crime that involves the illegal use, sale, possession, administration, distribution, or trafficking of a drug of abuse. You cannot have been convicted of, pleaded guilty to, or been adjudicated as delinquent for assaulting a peace officer. You must not, within three years of your application, have been convicted of, pleaded guilty to, or been adjudicated as delinquent in connection with a misdemeanor offense of violence.

You must not have been convicted of, pleaded guilty to, or been adjudicated as delinquent in connection with two or more assaults or negligent assaults within five years of your application. You must not have been convicted of, pleaded guilty to, or been adjudicated as delinquent in connection with resisting arrest within 10 years of your application. If you are charged with an offense during the application process, the sheriff can suspend your application until your case is resolved.

The sheriff shall not consider the conviction, guilty plea or adjudication of an applicant's sealed records even if those sealed offenses would otherwise disqualify an applicant. If you have questions about sealed criminal records, consult an attorney.

## **Mental Competency**

The law states that you must not have been adjudicated as mentally defective, committed to any mental institution, under a current adjudication of incompetence, found by a court to be mentally ill subject to hospitalization by court order, or an involuntary patient other than one who is under observation.

## **Protection Orders**

You must not be subject to a civil protection order or a temporary protection order of an Ohio court or a similar protection order issued by another state. For additional information on civil and temporary protection orders, consult an attorney.

As long as you meet the law's requirements, the sheriff must issue a concealed-handgun license within 45 days of receiving your properly completed application. The license lasts for five years.

*Statutory reference(s): The criminal offenses that bar a citizen from receiving a concealed carry license are listed in ORC 2923.125(D)(1)(a)–(s).*

*ORC 2923.125(D)(3) allows a sheriff to suspend the processing of an application if a pending criminal case is outstanding against an applicant.*

*ORC 2923.125(D)(4) prohibits sheriffs from considering the conviction, guilty plea, or adjudication of an applicant's sealed records.*

*ORC 2923.125(D)(1)(i)–(j) lists the mental competency and protection order issues that can cause the denial of an application.*

*ORC 2923.13 lists the disabilities that prohibit you from having a firearm.*

## **License Denials and Appeals**

If the sheriff denies your license, the sheriff must inform you in writing of the grounds for denial. If the denial was the result of a criminal records check and you wish to appeal the decision, you may appeal the denial through an in-house procedure with the sheriff or through the Ohio Bureau of Criminal Identification (BCI). The sheriff's denial of a temporary emergency license also must be in writing and can be appealed.

*Statutory reference(s): If your application is denied, the sheriff must inform you of the grounds for denial in writing under ORC 2923.125(D)(2)(b).*

*ORC 2923.127 requires sheriffs to set up an appeals process for applicants who wish to contest the denial.*

## **License Renewals and Competency Recertification**

Licenses expire five years after the date of issuance or renewal.

If you wish to renew your license, you may do so at any time.

Applicants residing in another state must renew with the sheriff who issued their previous license. If you are no longer employed in Ohio, you may not renew your license after it expires.

You must file a renewal application with the sheriff's office, certify that you have read this publication, and pay a nonrefundable fee. A printed copy is not needed; you may read the online version at **[www.OhioAttorneyGeneral.gov/CCWManual](http://www.OhioAttorneyGeneral.gov/CCWManual)**.

To renew your concealed-carry license, submit either:

1. A previously issued Ohio concealed-handgun license. The license may be either expired or currently valid.
2. A competency certificate from your instructor. If you have not previously renewed your license, you must show proof that, at one time, you had a competency certificate as described on pages 4-5 of this publication.

As long as you were licensed before your service, you do not need to renew your license for six months following your service in the Armed Forces, Peace Corps, Volunteers in Service to America or the Foreign Service. Additionally, your spouse and dependents are similarly exempt for six months. You or your spouse may renew your license during your service if able.

*Statutory reference: ORC 2923.125(F) describes the procedure and necessary materials to renew a concealed carry license.*

## **Duties that Accompany Carrying Concealed**

The ability to have a firearm carries with it certain restrictions and responsibilities, many of which are regulated by state and federal laws.

The explanation in this publication of laws regulating carrying a handgun is not an exhaustive list. If you have questions, consult an attorney.

## **Identification Recommended**

Although CHL holders no longer are required to have their CHL card on their person when carrying, CHL holders and permitless carriers are encouraged to carry some form of government-issued ID.



## **Forbidden-Carry Zones**

Under the law, you may **not** carry a concealed handgun into the following places:

- Police stations
- Sheriff's offices
- Highway Patrol posts
- Premises controlled by BCI
- Correctional institutions or other detention facilities
- Airport terminals or airplanes beyond screening checkpoint or other restricted areas
- Facilities for the care of mentally ill persons
- Courthouses or buildings in which a courtroom is located
- Universities, unless specifically permitted
- Places of worship, unless the place of worship permits otherwise
- Government facilities that are not used primarily as a shelter, restroom, parking facility for motor vehicles, or rest facility and are not a courthouse or a building or structure in which a courtroom is located. Specific government entities may allow you to carry by statute, ordinance, or policy. Consult the government entity before carrying into the building.
- School safety zones

A "school safety zone" includes a school, school building, school premises, school activity, and school bus. For purposes of this statute, a school includes everything up to the property boundary.

However, if you have a CHL, you may have a concealed handgun in a school safety zone if you leave the handgun in the motor vehicle, the handgun does not leave the vehicle and, if you leave the vehicle, you lock the vehicle.

**Permitless carriers are not allowed to carry a firearm into a school safety zone. Doing so is a felony under state and federal law.**

*Statutory reference: ORC 2923.12, 2923.121, 2923.122, 2923.126*

## **Bar and Restaurant Carry**

You may carry a concealed handgun into a bar, restaurant or other place in which alcohol is sold for consumption on the premises as long as:

1. You have not already consumed alcohol and do not consume alcohol on the premises.
2. Firearms are not prohibited on the premises.

## **Transporting in Motor Vehicles**

You may transport a loaded concealed handgun in a motor vehicle but are not permitted to do so if you are under the influence of drugs or alcohol.

Motorcycles fall under the definition of motor vehicles. Thus, the same requirements apply to those who carry a handgun while on a motorcycle.

## **Traffic Stops and Other Law Enforcement Encounters**

If you are stopped for a law enforcement purpose and carrying a concealed handgun, you are no longer required to inform the officer that you are carrying. However, if the officer asks whether you are carrying, you must answer truthfully. Even if the officer doesn't ask if you are carrying a firearm, being forthright about it enhances safety for you and the officer.

If in a vehicle you **shall** remain in the vehicle with hands in plain sight at all times.

### **Violating this section of law is a first-degree misdemeanor.**

NOTE: So far, the Ohio Supreme Court has not defined the term "plain sight" precisely in the context of carrying a concealed handgun. However, in other contexts, courts have generally said that "plain sight" is a common-sense term that means clearly visible or unobstructed.

If you are stopped for a law enforcement purpose and are carrying a concealed handgun, whether in a motor vehicle or not, you **shall not** have or attempt to have any contact with the handgun, unless in accordance with directions given by a law enforcement officer.

### **Violating this law is a felony.**

If you are stopped for a law enforcement purpose and are carrying a concealed handgun, whether in a motor vehicle or not, you **shall not** knowingly disregard or fail to comply with a lawful order given by any law enforcement officer.

### **Violating this law is a first-degree misdemeanor.**

If a concealed carrier surrenders a firearm, the the following applies:

- If the firearm is not returned at the completion of the stop, but is returned later, the law enforcement officer is required to return the firearm in “the condition it was in when it was seized.”
- If a court orders the firearm’s return and the firearm has not been returned to the owner, the owner can claim reasonable costs and attorney fees for the loss and the cost of claiming the firearm.

**WARNING: A handgun should always be carried safely and securely. It should be carried so it is not accessible to unauthorized persons. If you are a CHL holder and planning to carry a concealed handgun while driving, you no longer are required to carry the license, but it’s still a good idea to have a form of government-issued ID. This is good advice for permitless carriers, too.**

In summary, if you are pulled over while carrying a concealed handgun, remember the following:

- Before the officer approaches, roll down your window and place your hands in plain view on the steering wheel.
- If the officer asks whether you have a gun, answer truthfully.
- Do not touch or attempt to touch your handgun unless specifically told to by the officer.
- Do not exit your vehicle unless specifically told to by the officer.
- Comply with all lawful orders given by the officer.

*Statutory reference: ORC 2923.16(B) and (C) govern how firearms must be otherwise transported in a vehicle.*

## **Private Property and the Workplace**

Under the law, private employers may – but are not required to – prohibit the presence of firearms on their property or in motor vehicles owned by the employer. You should make yourself aware of your employer’s policies before going to work with a handgun. In addition, the owner or person in control of private land or premises or the person leasing land or premises from the government may post a sign in a conspicuous location that prohibits persons from carrying firearms or concealed handguns.

Ohio law provides that a person who knowingly violates a posted prohibition of a parking lot or other parking facility is not guilty of criminal trespass, but is liable for a civil cause of action for trespass.

Furthermore, a landlord may not prohibit or restrict a tenant who carries concealed from lawfully carrying or possessing a handgun on residential premises.

Employers, business entities, property owners, and public and/or private employers are not permitted to establish or enforce a policy that prohibits a concealed carrier from transporting or storing a firearm or ammunition on their property under certain circumstances. For this restriction on employers and property owners to apply, several conditions must be met:

1. the firearm is in the vehicle while the licensee is physically present or
2. the firearm and ammunition is locked within the trunk, glove box or other enclosed compartment or container within the vehicle and
3. the vehicle is in a location where it is otherwise permitted to be.

*Statutory reference: ORC 2923.1210*

## Signage

Those who wish to prohibit firearms inside their business or facility must post a sign that makes this clear.

The law does not say precisely what language must be on a sign prohibiting firearms. At a minimum, signs must be conspicuous and inform people that firearms and/or concealed handguns are prohibited. However, the law suggests that the prohibited locations post a sign that substantially says the following:



*Unless otherwise authorized by law, pursuant to the Ohio Revised Code, no person shall knowingly possess, have under his control, convey, or attempt to convey a deadly handgun or dangerous ordnance onto these premises.*

An example of a standard warning sign approved for use on state buildings appears at right above. If you see this sign, it means that you **cannot** take your concealed handgun inside. Businesses and persons wishing to post such signs are strongly advised to consult their legal counsel for language, style, format, and placement.

The sign is available to download from the Attorney General's website at [www.OhioAttorneyGeneral.gov/Model-Concealed-Carry-Sign](http://www.OhioAttorneyGeneral.gov/Model-Concealed-Carry-Sign).

## **Concealed Carry by Law Enforcement**

Federal law (HR 218, LEOSA) permits active and retired law enforcement officers, under specific circumstances, to carry a concealed firearm. This publication does not address issues related to HR 218. If you are an active or retired law enforcement officer and have questions about HR 218, consult an attorney.

Ohio law enforcement officers and peace officers may carry a concealed firearm anywhere in the state, even when not acting within the scope of their duties under certain conditions. Establishments serving the public may not prohibit or restrict law enforcement officers from carrying weapons on their premises under certain conditions.

*Statutory reference(s): ORC 9.69, 2923.121, 2923.1214.*

## **Reciprocity**

Ohio has agreements with many other states that recognize one another's concealed-handgun licenses. Thus, an Ohio resident with a CHL would be able to carry concealed in any state that has a reciprocity agreement with Ohio.

However, some states might honor reciprocity only for Ohioans who have an Ohio concealed-handgun license. They might not recognize Ohioans who are carrying permitless. Therefore, before carrying in other states, it is important to research each state's laws and reciprocity agreements.

Non-residents may carry in Ohio under the license of another state as long as they are temporarily in Ohio. No matter what license you carry, you must obey Ohio's laws while in Ohio.

Consult the Attorney General's website for the most recent list of states that honor an Ohio license ([www.OhioAttorneyGeneral.gov/Law-Enforcement/Concealed-Carry](http://www.OhioAttorneyGeneral.gov/Law-Enforcement/Concealed-Carry)). Also, be aware that the laws of the other state apply to you when you are in that state.

## **Open Carry**

The open carry of firearms is legal in Ohio. Ohio's concealed-carry laws do not regulate "open" carry of firearms. If you openly carry, use caution.

*Statutory reference(s): ORC 2923.126(C) allows private employers to prohibit the presence of firearms on their property or in motor vehicles owned by the employer. ORC 2923.126(C)(3) allows the owner or person in control of private land to post a sign in a conspicuous place that prohibits persons from carrying concealed firearms on that property.*

# **Deadly Force**

## **Introduction**

Ohio law specifically sets forth that a handgun is a deadly weapon capable of causing death. The license to carry a concealed handgun comes with the responsibility of being familiar with the law regarding use of deadly force. This publication is designed to provide general information only. It is not to be used as authority on legal issues or as advice to address specific situations.

In Ohio, deadly force can be used only to prevent serious bodily harm or death. Deadly force can never be used to protect property only. Depending on the specific facts and circumstances of the situation, use of deadly force may lead to criminal charges and/or civil liability.

## **Criminal Issues**

If law enforcement and prosecutors determine that a person's use of deadly force is not justified, criminal charges may be pursued. In a situation in which the victim is injured by the conduct of a concealed carrier using a handgun, the concealed carrier can be charged with assault crimes, including — but not limited to — felonious assault, aggravated assault, or attempted murder. If the victim dies as a result of a concealed carrier's use of a firearm, the concealed carrier can be charged with homicide crimes, such as reckless homicide, voluntary manslaughter, murder, or aggravated murder. (This list does not include all crimes that may apply.) If the concealed carrier is convicted, he or she will be sentenced to a prison term by a judge, according to the law.

*Statutory reference(s): Title 29 of the Ohio Revised Code defines the charges that could result when the use of deadly force is not justified.*

## **Civil Liability**

Even if a situation does not lead to criminal charges or result in a criminal conviction, the concealed carrier may still face civil liability. The victim or the victim's survivors could sue the concealed carrier for the harm from the concealed carrier's use of deadly force.

A "wrongful death" lawsuit or "tort action" is a common legal action for money damages. A civil action does not involve a criminal penalty such as prison, but both a criminal and civil case can be brought based on the same incident.

In any civil case, the victim or the victim's survivors must prove that it is more probable than not that the concealed carrier's use of force

was inappropriate or excessive and that it caused the victim's injuries or death. If this is proved, the victim or the victim's survivors may be entitled to recover money from the concealed carrier as punishment and/or compensation.

The law requires that the force used be reasonable and necessary to prevent the danger. So even if the victim was wrong and caused the situation, if the force was inappropriate or excessive for the particular situation, the defendant risks criminal and/or civil punishment.

Although self-defense is an affirmative defense that a concealed carrier may assert against civil liability, the concealed carrier might still be required to compensate the victim if the force used was excessive and unnecessary.

## **Self-Defense**

Depending on the specific facts of the situation, an accused person may claim that use of deadly force was justified to excuse that person's actions, which would otherwise be a crime. Self-defense or the defense of another may negate a criminal charge.

Whether this affirmative defense applies to the situation or whether it will likely succeed against criminal charges depends heavily on the specific facts and circumstances of each situation. The Ohio Supreme Court has explained that a defendant generally must prove two conditions to establish that the defendant acted in self-defense or in defense of another.

### **Condition 1: Defendant Is Not at Fault**

First, the defendant must not have created the situation. The defendant cannot be the first aggressor or initiator.

However, in proving the victim's fault, a defendant cannot point to other unrelated situations in which the victim was the aggressor. Remember, the focus is on the specific facts of the situation at hand.

If the defendant escalated a confrontation by throwing the first punch, attacking, or drawing a handgun, the defendant is the aggressor. Most likely in this situation, the defendant cannot legitimately claim self-defense, nor would the defendant likely succeed in proving an affirmative defense.

### **Condition 2: Reasonable and Honest Belief of Danger**

Second, the defendant must have had a reasonable and genuine belief that he or she was in immediate danger of death or great bodily

harm and that the use of deadly force was the only way to escape that danger. Bear in mind that deadly force may be used only to protect against serious bodily harm or death. The key word is “serious.”

In deciding whether the bodily harm was serious, the judge or jury can consider how the victim attacked the defendant, any weapon the victim had, and how the victim used it against the defendant. Minor bruises or bumps from a scuffle probably do not meet the legal definition of “serious.” In court cases, rape has been determined to be serious bodily harm, as has being attacked with scissors. Serious bodily harm also may result from being struck with an object that can cause damage, such as a baseball bat or a wooden club.

The defendant’s belief that he or she was in immediate serious danger is important. The defendant’s belief must be reasonable, not purely speculative. In deciding whether the belief was reasonable and honest, the judge or jurors will envision themselves standing in the defendant’s shoes and consider the defendant’s physical characteristics, emotional state, mental status, and knowledge; the victim’s actions and words; and all other facts regarding the encounter. The victim must have acted in a threatening manner. Words alone, regardless of how abusive or provoking, or threats of future harm (“I’m going to kill you tomorrow”) do not justify the use of deadly force.

### **No Duty to Retreat**

Until recently, Ohio law required that defendants claiming self-defense show that they had no way to safely retreat from the confrontation before using deadly force. The only exceptions were that defendants were not required to retreat from their own homes or vehicles in the face of a deadly threat. Failure to take advantage of an opportunity for safe retreat invalidated the defendant’s self-defense claim.

But in 2020, the Ohio General Assembly eliminated the duty to retreat. As of now, a defendant has no duty to retreat from any place where he or she is lawfully permitted to be.

However, common sense still applies. You should always try to retreat from a confrontation before using deadly force if retreating does not endanger you or others. Retreat eliminates risk to everyone involved in the confrontation, including yourself.

Also, the elimination of the duty to retreat does not eliminate the need to satisfy Conditions 1 and 2 above.

*Statutory reference(s): ORC 2901.09*



## **‘Castle Doctrine’**

Before Ohio lawmakers eliminated the duty to retreat altogether, Ohio law had a more limited form of “no duty to retreat.” This was called “Castle Doctrine,” and it said that a defender has no duty to retreat from an attack that occurs in the defender’s residence or vehicle. Some vestiges of “Castle Doctrine” language remain in the Ohio Revised Code and at this time, no court decisions have clarified the relationship between the new blanket “no duty to retreat” law and these pre-existing “Castle Doctrine” references. Therefore, Castle Doctrine is discussed separately below:

“Castle Doctrine” generally encompasses the idea that a person does not have a duty to retreat from the residence he lawfully occupies before using force in self-defense or defense of another. Additionally, there is no duty to retreat if a person is lawfully in his or her vehicle or is lawfully an occupant in a vehicle owned by an immediate family member of that person.

However, being a lawful occupant of a residence or vehicle is not a license to use deadly force against an attacker. The person who is attacked, without fault of his or her own, may use deadly force only if that person reasonably and honestly believed that deadly force was necessary to prevent serious bodily harm or death. If the person does not have this belief, he should not use deadly force. Again, if it does not put your life or the lives of others in danger, you should withdraw from the confrontation if it is safe for you to do so.

The law presumes that you acted in self-defense or in the defense of another when using deadly force if the victim unlawfully and without privilege entered or was in the process of entering the residence or vehicle you occupy. Self-defense and the burden of proof can be complicated, fact-specific legal concepts. Generally speaking, the law will not presume that you have acted in self-defense if either of two things are true: 1. The person against whom defense force is used has a right to be in, or is a lawful resident of, the residence or vehicle where the act of self-defense takes place. 2. The person using defensive force within a residence or vehicle is not there lawfully.

*Statutory reference(s): ORC 2901.05(B)(3)(a)-(b)*

## **Burden of Proof**

Ohio law was changed in 2019 in self-defense cases. If there is evidence that tends to support that a person accused of a crime used force in

self-defense, the burden shifts to the prosecution to prove beyond a reasonable doubt that the accused did not use force in self-defense, defense of another or defense of one's residence.

*Statutory reference(s): ORC 2901.05 sets forth the burden shift.*

## **Defense of Others**

A person may defend another only if the protected person would have had the right to use deadly force in defending him- or herself. Under Ohio law, a person may defend family members, friends, or strangers. However, just as if a person were protecting him- or herself, a person cannot use any more force than is reasonable and necessary to prevent the harm threatened.

A defendant who claims that he or she used deadly force to protect another has to prove that he or she reasonably and honestly believed that the person the defendant protected was in immediate danger of serious bodily harm or death and that deadly force was the only way to protect the person from that danger. Furthermore, the defendant also must show that the protected person was not at fault for creating the situation.

**WARNING: The law specifically discourages citizens from taking matters into their own hands and acting as law enforcement. This is true even if you think you are performing a good deed by protecting someone or helping law enforcement. The Ohio Supreme Court has ruled that a person risks criminal charges if that person interferes in a struggle and protects the person who was at fault, even if he or she mistakenly believed that person did not create the situation.**

In other words, if you misinterpret a situation and interfere, you may face criminal charges because your use of deadly force is not justified. If you do not know all the facts and interfere, you will not be justified to use force. It does not matter that you mistakenly believed another was in danger and not at fault.

Of greater concern than risking criminal charges is the fact that you may be putting yourself and others in danger. If you use your handgun to interfere in a situation and an officer arrives on the scene, the officer will not be able to tell whether you are the criminal or the Good Samaritan.

Ohio law does not encourage vigilantism. A license to carry a concealed handgun does not deputize you as a law enforcement agent. Officers

are trained to protect members of the community, handle all types of situations, and enforce the law. Do not allow the license to carry a concealed handgun to give you a false sense of security or empowerment. Let law enforcement officers do their job. If you want to be a Good Samaritan, call the police.

## **Defense of Property**

There must be an immediate threat of serious bodily harm or death in order to use deadly force. Protecting property alone does not allow for the use of deadly force. A property owner may use reasonable, but never deadly, force when he honestly believes that the force will protect his property from harm.

If a person's property is being attacked or threatened, he may not use deadly force unless he reasonably believes it was the only way to protect himself or another from being killed or receiving serious bodily harm. Deadly force can never be used solely to protect property no matter where the threat to the property occurs.

## **Conclusion**

A license to carry a concealed handgun does not bring with it the automatic right to use deadly force. The appropriateness of using any force depends on the specific facts of each and every situation.

## **Dispute Resolution**

### **Introduction**

In many cases, deadly threats arise suddenly and without warning, such as someone confronted by an armed robber while using an ATM, or having a door kicked in by home invaders in the middle of the night. However, in some cases, deadly threats grow out of longstanding disputes, such as a running feud between neighbors, business conflicts or family disagreements over property or child custody. The use of deadly force to "solve" such disputes is never acceptable. Anyone involved in a dispute should always employ lawful means to resolve it. This might be through the judicial system, but Ohioans also have many options for resolving a problem outside the traditional judicial arena.

Broadly termed "alternative dispute resolution" (ADR), these methods recognize that, for many people, the judicial process is time-consuming and cumbersome, possibly expensive and often confusing. Instead

of giving citizens the choice of taking a matter to court or into their own hands for satisfaction, ADR offers a third way that has been overwhelmingly successful in ending disputes of all types. These choices include mediation, arbitration, conciliation and negotiation.

### **Basic Forms of Dispute Resolution**

ADR spans a spectrum of methods, each more formalized and binding than the last.

The most obvious form of ADR is avoidance. This “like it or lump it” response to a dispute is often the hardest to accept, as it means surrendering one’s own choice in favor of someone else’s. Depending on the issue, avoidance may not be possible.

If one cannot avoid a conflict, discussion is often the next best way to solve a dispute. Direct talks often result in an acceptable solution that ends in conciliation and defused tension. Sometimes, however, the best way to solve a conflict using discussion is to have negotiation through agents. In simple conflicts, these agents can be friends, relatives, a counselor or a religious adviser. Other times, agents can include formal, recognized officials, such as labor or management representatives or attorneys.

Formal alternative dispute resolution often involves a neutral third party whose advice and decision may have binding effect on the participants. The least-binding form of third-party intervention is involvement of an ombudsman.

An ombudsman is most frequently found within a company or large organization and may be empowered to facilitate consumer complaints or employee disputes. Though compensated by the organization, the ombudsman is normally answerable only to the most upper-level management or to the board of directors and is engaged to be as neutral and fair as possible. An ombudsman is generally empowered to talk to anyone, uncover facts and make a recommendation to senior management within an organization.

Another, more involved form of negotiated settlement is mediation. This method of ADR is appropriate when the various sides wish to preserve a relationship or terminate it with the least amount of ill will. Mediation involves negotiation in which a neutral mediator guides the process. Mediation does not force compromise, and parties are expected to reach an agreement only if they are convinced that such an agreement is reasonable.

When negotiations fail, the parties can opt to try arbitration, in which a neutral arbitrator is given authority by the parties to impose a settlement after each side presents its “case.” The arbitrator renders a decision that can be binding or non-binding upon the parties. Non-binding decisions may provide a guide for the parties to reach a settlement or to give insight into the possible outcome of more traditional litigation. Many contracts require signers to choose arbitration as a prerequisite to a lawsuit.

Should arbitration not be an option, or if the non-binding result does not lead to a settlement, the parties can still engage in alternatives to the traditional courtroom trial. These alternatives almost always require legal counsel and are more complex than the extra-judicial remedies listed here.

### **Advantages of Alternative Dispute Resolution**

Besides the faster timeline and usually lower cost, alternative dispute resolution has a number of strengths that may make it a better choice in some disagreements.

ADR allows for a much broader range of equitable solutions, provides for more direct participation by the parties in the settlement of their disputes, increases the likelihood of uncovering the underlying problems that led to the disagreement and has a greater chance of creating agreements to which both sides will adhere.

By reaching a settlement through consensus rather than by judicial decision, participants in ADR have told researchers that they feel more empowered, their emotional concerns as well as their legal or financial positions have been acknowledged, and their belief in the legal system has improved.

### **Consult a lawyer**

This publication is intended to provide information regarding Ohio’s concealed-carry law. It is neither legal advice nor a substitute for legal advice. If you have questions about how this law applies to you, consult an attorney.



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# Ohio's Concealed-Carry Laws and License Application

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