

As Introduced

**128th General Assembly
Regular Session
2009-2010**

H. B. No. 203

Representatives Bulp, Martin

**Cosponsors: Representatives Adams, J., Amstutz, Blair, Combs, Hall,
Huffman, Jones, Jordan, Maag, McGregor, Sears, Snitchler, Uecker,
Wachtmann, Wagner, Zehringer**

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A B I L L

To amend section 2923.121 of the Revised Code to 1
allow a concealed carry licensee who is not 2
consuming liquor and is not under the influence to 3
carry a concealed handgun in a retail food 4
establishment or food service operation with any 5
class liquor permit issued for the location. 6

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

Section 1. That section 2923.121 of the Revised Code be 7
amended to read as follows: 8

Sec. 2923.121. (A) No person shall possess a firearm in any 9
room in which any person is consuming liquor in premises for which 10
a D permit has been issued under Chapter 4303. of the Revised Code 11
or in an open air arena for which a permit of that nature has been 12
issued. 13

(B)(1) This section does not apply to any of the following: 14

(a) An officer, agent, or employee of this or any other state 15
or the United States, or to a law enforcement officer, who is 16

authorized to carry firearms 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 firearms, and who is subject to and in compliance with the requirements of section 109.801 of the Revised Code, unless 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;

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

(d) The principal holder of a D permit issued for 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 possesses a valid license or temporary emergency license to carry a concealed handgun issued to the principal holder under section 2923.125 or 2923.1213 of the Revised Code or a license to carry a concealed handgun that was issued to the principal holder by another state with which the attorney general has entered into a reciprocity agreement under section 109.69 of the Revised Code and as long as the principal holder is not consuming liquor or under the influence of alcohol or a drug of abuse, or any agent or employee of that holder who also is a peace officer, as defined in section 2151.3515 of the Revised Code, who is off duty, and who otherwise is authorized to carry firearms while in the course of the officer's official duties and while in the premises or open air arena for which the permit was issued and as long as the agent or employee of that holder is not consuming liquor or under the influence of alcohol or a drug of abuse.

(e) Any person who is carrying a valid license or temporary emergency license to carry a concealed handgun issued to the person under section 2923.125 or 2923.1213 of the Revised Code or

a license to carry a concealed handgun that was issued to the 49
person by another state with which the attorney general has 50
entered into a reciprocity agreement under section 109.69 of the 51
Revised Code and who possesses the firearm in a retail food 52
establishment or food service operation with any class liquor 53
permit issued for that location under Chapter 4303. of the Revised 54
Code, or in a retail store with D-6 and D-8 permits issued for 55
that store under sections 4303.182 and 4303.184 of the Revised 56
Code or a D-8 permit issued for that store under section 4303.184 57
of the Revised Code, as long as the person is not consuming liquor 58
or under the influence of alcohol or a drug of abuse. 59

(2) This section does not prohibit any person who is a member 60
of a veteran's organization, as defined in section 2915.01 of the 61
Revised Code, from possessing a rifle in any room in any premises 62
owned, leased, or otherwise under the control of the veteran's 63
organization, if the rifle is not loaded with live ammunition and 64
if the person otherwise is not prohibited by law from having the 65
rifle. 66

(3) This section does not apply to any person possessing or 67
displaying firearms in any room used to exhibit unloaded firearms 68
for sale or trade in a soldiers' memorial established pursuant to 69
Chapter 345. of the Revised Code, in a convention center, or in 70
any other public meeting place, if the person is an exhibitor, 71
trader, purchaser, or seller of firearms and is not otherwise 72
prohibited by law from possessing, trading, purchasing, or selling 73
the firearms. 74

(C) It is an affirmative defense to a charge under this 75
section of illegal possession of a firearm in liquor permit 76
premises that involves the possession of a firearm other than a 77
handgun, that the actor was not otherwise prohibited by law from 78
having the firearm, and that any of the following apply: 79

(1) The firearm was carried or kept ready at hand by the 80

actor for defensive purposes, while the actor was engaged in or 81
was going to or from the actor's lawful business or occupation, 82
which business or occupation was of such character or was 83
necessarily carried on in such manner or at such a time or place 84
as to render the actor particularly susceptible to criminal 85
attack, such as would justify a prudent person in going armed. 86

(2) The firearm was carried or kept ready at hand by the 87
actor for defensive purposes, while the actor was engaged in a 88
lawful activity, and had reasonable cause to fear a criminal 89
attack upon the actor or a member of the actor's family, or upon 90
the actor's home, such as would justify a prudent person in going 91
armed. 92

(D) No person who is charged with a violation of this section 93
shall be required to obtain a license or temporary emergency 94
license to carry a concealed handgun under section 2923.125 or 95
2923.1213 of the Revised Code as a condition for the dismissal of 96
the charge. 97

(E) Whoever violates this section is guilty of illegal 98
possession of a firearm in liquor permit premises. Except as 99
otherwise provided in this division, illegal possession of a 100
firearm in liquor permit premises is a felony of the fifth degree. 101
If the offender commits the violation of this section by knowingly 102
carrying or having the firearm concealed on the offender's person 103
or concealed ready at hand, illegal possession of a firearm in 104
liquor permit premises is a felony of the third degree. 105

(F) As used in division (B) of this section, "retail food 106
establishment" and "food service operation" have the same meanings 107
as in section 3717.01 of the Revised Code. 108

Section 2. That existing section 2923.121 of the Revised Code 109
is hereby repealed. 110