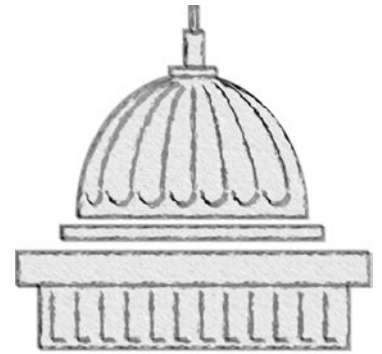


NRA / ILA Firearms Laws for

OHIO

(As of SEPTEMBER, 2007)



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A SYNOPSIS OF STATE LAWS ON PURCHASE, POSSESSION AND CARRYING OF FIREARMS.

QUICK REFERENCE CHART

	Rifles and Shotguns	Handguns
Permit to Purchase	No	No
Registration of Firearms	No	No
Licensing of Owners	No	No
Permit to Carry	No	Yes

STATE CONSTITUTIONAL PROVISION

“The people have the right to bear arms for their defense and security; but standing armies, in time of peace, are dangerous to liberty, and shall not be kept up; and the military shall be in strict subordination to the civil power.” Article 1, Section 4.

PURCHASE

No state permit or license is required to purchase a handgun, rifle, or shotgun.

It is unlawful to sell a handgun to a person under 21, or any firearm to a person under 18. It is unlawful to furnish any firearm to a person who is under 18 or furnish any handgun to a person under 21, except for lawful hunting, sporting or educational purposes.

It is unlawful to recklessly sell, lend, give, or furnish any firearm to any person who may not possess a firearm, or who is under the influence of alcohol or any drug of abuse.

Any adult resident of Ohio, not prohibited from acquiring firearms, may purchase a rifle, shotgun

or ammunition in Indiana, Kentucky, Michigan, Pennsylvania or West Virginia. Any adult resident of Indiana, Kentucky, Michigan, Pennsylvania or West Virginia, not prohibited from acquiring firearms, may purchase a rifle, shotgun or ammunition in Ohio. Any such purchase must be for such purposes and under such circumstances as required by federal law.

POSSESSION

No state permit or license is required to possess a handgun, rifle or shotgun.

It is unlawful for the following persons to knowingly acquire, have, carry, or use any firearm:

- Fugitives;
- Persons indicted for or convicted of a violent felony or adjudicated delinquent child for the commission of an offense that if committed by an adult, would have been a violent felony;
- Persons indicted for or convicted of a drug offense, or adjudicated a delinquent child for the commission of an offense that, if committed by an adult, would have been an offense involving the illegal possession, use, sale, administration, distribution, or trafficking in any drug of abuse;
- Alcoholics and drug-dependent persons; and
- Adjudicated mental incompetents.

Persons disqualified under the second or third item above may obtain relief from disability from the court of common pleas by presenting facts showing fitness for relief from the state disabilities.

CARRY

It is unlawful for a person without a concealed handgun license to carry a handgun concealed on his or her person. Exempt from this prohibition are officers, agents, and employees of a state agency or the federal government or law enforcement officers authorized and acting in the scope of their employment. State law does not prohibit the open carrying of firearms except in certain locations, but a person should exercise caution when carrying a firearm in public.

Application to carry a concealed handgun is made to the local sheriff on a form prescribed by the Ohio Peace Officers Training Commission. Along with the application, the applicant must provide a color photograph taken within the last 30 days, a set of fingerprints and certification of competency with a firearm. An applicant must be 21, a resident of Ohio for 45 days, and a resident of the issuing county (or an adjacent county) for 30 days. The application fee shall not exceed \$55. All concealed handgun licenses issued on or after March 14, 2007 are valid for 5 years. If an applicant is denied, the sheriff shall provide the reasons for such a denial. The applicant may appeal such a denial. The renewal process for an expired permit is the same as that for an original, except that the applicant may demonstrate competency within the last 6 years or submit evidence of a renewed competency certification. A licensee must provide notice of a change of address. A licensee who wishes to renew a license may do so no earlier than 90 days before expiration date on the license or no later than 30 days after the scheduled expiration date.

A temporary emergency license to carry can be issued under extraordinary circumstances if a sheriff determines that a person, not prohibited from obtaining a license, has provided evidence that he is in imminent danger. The temporary emergency license lasts for 90 days and may be renewed only once every four years.

The following categories of individuals are ineligible to obtain a concealed handgun license:

- Fugitives from justice.
- Those under indictment for or convicted of a

felony.

- Those under indictment for or convicted of a crime involving drugs.
 - Those who within the preceding 3 years have been convicted of a crime of violence or a misdemeanor of crime of violence.
 - Those who within the preceding 5 years have been convicted of assault or aggravated assault.
 - Those who within the preceding 10 years have been convicted of resisting arrest, or convicted of interfering with the lawful arrest of another person.
- Those who have not been adjudicated mentally defective or has been committed to any mental institution.
- Those subject to a civil protection order or a temporary civil protection order issued by the court of any state.

Applicants must provide proof of training, completed within the last 3 years, by submitting an original or photocopy of a certificate of completion of a training course. The applicant must attest that he has reviewed the pamphlet prepared by the Ohio Peace Officer Training Commission that reviews firearms, dispute resolution and the use of deadly force. An approved training program shall include the following:

- The course must be open to the general public.
- Must utilize qualified instructors who were certified by the National Rifle Association or the Executive Director of the Peace Officer Training commission.
- Any course offered by a law enforcement agency.
- A course offered by a university, a public or private college in this or another state.
- A firearms training school course offered in this or another state.
- Any state, county, municipal or Department of Natural Resources course approved by the Executive Director of the Ohio Peace officer training commission.

An applicant alternatively can show competency by providing documentation that shows the applicant is an active member of the military reserve, armed forces or has been honorably discharged, is a retired law enforcement officer or otherwise provides evidence of satisfactory completion of firearms training not otherwise described above and was conducted by an instructor trained by the NRA, any

government official or entity of this state or another, or the United States government.

A training course must consist of a minimum 12 hours, with 10 hours dedicated to safe handling, storage and firing of a handgun, and a written exam. Additionally, 2 hours of each course must be dedicated to live-fire training.

Concealed carry of a handgun by a licensee is prohibited in the following public areas:

- Public schools.
- Police, sheriff or state highway patrol stations.
- Correctional facilities, jails or any premises controlled by Bureau of Criminal Identification and Investigation.
- Airport passenger terminals or any airplanes.
- Any rooms or open-air arenas licensed to serve alcohol for on premises consumption.
- Premises owned or leased by a public or private college, university or other institution of higher learning.
- Any place of worship.
- A child day-care center.
- A family day-care home.
- Any building owned or leased by a state government entity or a political subdivision of the state.
- Any location prohibited by federal law.

The owner or person in control of private land or premises, and a private person or entity leasing land or premises owned by a public entity, may post a sign in a conspicuous location on that land or premises prohibiting persons from carrying firearms or concealed firearms on that property. A person who violates this prohibition is guilty of criminal trespass.

A person who has been issued a concealed handgun license or a temporary emergency license to carry a concealed handgun may transport a loaded handgun in a motor vehicle if the loaded handgun is:

- In a holster secured on the person
- In a closed case, bag, box or other container that is in plain sight and has a lid, cover, or closing mechanism and must be opened for a person to gain access to the handgun; or
- Stored in a closed, locked glove compartment or in a case that can be locked.

Motorcycles fall under the definition of motor vehicles

so the same requirements apply.

A firearm in the passenger compartment of a motor vehicle is considered loaded if its magazine is loaded or a loaded magazine is ready at hand. Muzzleloading weapons are considered unloaded if the percussion cap or priming powder in the pan is removed.

It is unlawful for a person not issued a concealed handgun license or a temporary emergency license to have a firearm in a motor vehicle unless it is unloaded and carried in one of the following ways:

- In a closed case, box, or package.
- Secured in a rack in plain sight.
- In plain sight, with the action open or the weapon stripped, or if the firearm's action will not stay open or it cannot be easily stripped, in plain sight.
 - In a compartment that can be reached only by leaving the vehicle.

If a licensee is transporting a loaded concealed firearm and is stopped by a law enforcement officer, he must keep his hands in plain sight, notify the officer that he has a concealed firearm and a license to carry a concealed firearm, and follow all specific instructions issued by the officer.

It is unlawful to possess a firearm in any room in which liquor is being dispensed pursuant to a liquor license. This prohibition does not apply to a police officer, or to any room used for the accommodation of guests of a hotel, or the possession of an unloaded rifle by a veterans' organization, or possessing or displaying unloaded firearms in a soldiers' memorial or in a convention center or other public meeting place by an exhibitor, trader, purchaser, or seller.

ANTIQUES & REPLICAS

Antique and antique replica rifles, shotguns, or handguns are treated like modern arms for possession, carrying and purchase purposes.

DANGEROUS ORDNANCE

In the Ohio code, the term "dangerous ordnance" includes: automatic firearms; short barreled rifles and shotguns; firearms of "crude or extemporized

manufacture”; and devices that are not designed as firearms but can be adapted for use as firearms, or are capable of being used as firearms.

“Automatic firearm” is any firearm designed or specially adapted to fire a succession of cartridges with a single function of the trigger. “Automatic firearm” also means any semi-automatic firearm designed or specially adapted to fire more than thirty-one cartridges without reloading, other than a firearm chambering only .22 caliber short, long, or long-rifle cartridges.

It is unlawful to knowingly acquire, have, carry, or use any dangerous ordnance. Exceptions are:

- Owners of dangerous ordnance registered under the National Firearms Act;
- Authorized state and federal officers, agents, and employees, members of the armed forces or organized militia, and law enforcement officers when acting within the scope of their duties;
- Licensed importers, manufacturers, and dealers.

It is unlawful to negligently fail to take proper precautions to secure a dangerous ordnance against theft, acquisition or use by an unauthorized or incompetent person, and to negligently fail to take precautions to insure the safety of persons and property.

MISCELLANEOUS

It is unlawful to knowingly discharge a firearm while in or on a motor vehicle.

It is unlawful to carry or use any firearm while under the influence of alcohol or any drug of abuse.

It is unlawful to knowingly fail to report to law enforcement authorities forthwith the loss or theft of any firearm.

It is unlawful to discharge a firearm on or across a roadway, or near buildings.

No person shall knowingly convey, or attempt to convey, or possess any deadly weapon or dangerous ordnance onto any property owned or controlled by,

or to any activity held under the auspices of, a board of education, of a city, local, exempted village, or joint vocational school district or of a governing body of a school without authorization.

It is unlawful to discharge a firearm at, in or into an occupied structure or a school safety zone.

It is unlawful to discharge a firearm upon or over a cemetery or within one hundred yards of a cemetery. This does not apply to a person who, while on his own land, discharges a firearm.

It is unlawful to discharge a firearm on a lawn, park, pleasure ground, orchard or other ground appurtenant to a schoolhouse, church, or inhabited dwelling, the property of another or a charitable institution. This does not apply to a person who owns the type of property described and who, while on his own enclosure, discharges a firearm.

With limited exceptions, a member of the firearms industry is not liable in damages in, and is not subject to a grant of injunctive relief in, a tort or other civil action for harm allegedly sustained by any person as a result of the operation or discharge of a firearm.

With limited exceptions, the owner of a shooting range is not liable in damages in a civil action to any person; subject to an injunction in a nuisance action; or subject to criminal prosecution, for harm that allegedly is caused by the creation of noise at the shooting range, if the range substantially complies with the noise rules.

Source: Ohio Rev. Code Ann. § 2923.11 to § 2923.24. § 2305.401; § 1533.85

CAUTION: Firearm laws are subject to frequent change and court interpretation. This summary is not intended as legal advice or restatement of law. This summary does not include federal or local laws, ordinances or regulations. For any particular situation, a licensed local attorney must be consulted for an accurate interpretation. **YOU MUST ABIDE WITH ALL LAWS: STATE, FEDERAL AND LOCAL.**

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