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Shumaker, Loop & Kendrick, LLP

# **Ohio's Concealed Handgun Laws: A Loaded Issue for Businesses**

A Mini-Forum Presented by  
The University of Toledo Center for Family & Privately-Held  
Businesses

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April 9, 2013

## **Topics we will cover:**

- What is a concealed handgun license?
- Employee's and Employer's rights
- Liability
- Things to consider as you craft your own policy

**Please remember:**

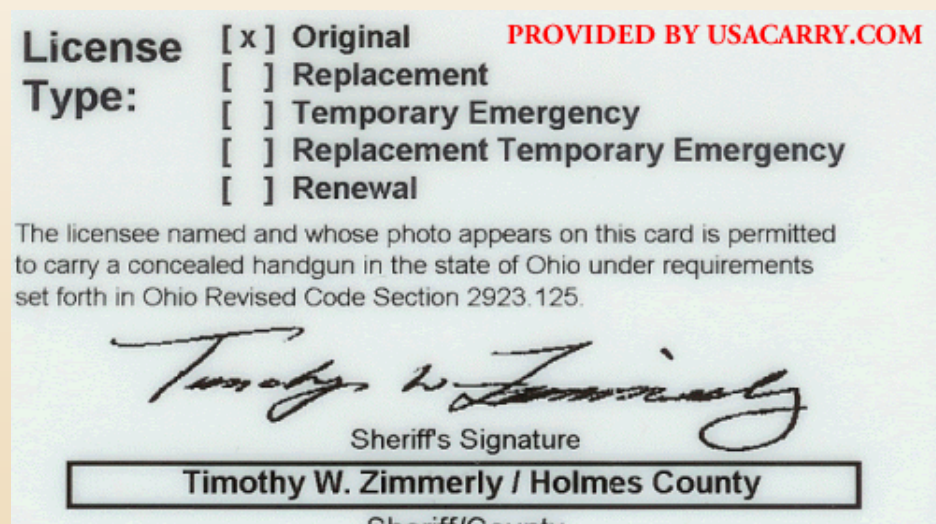
**We are talking about  
OHIO law!**

## What is a concealed handgun license?

Front



Back



# Concealed Handgun License: Disqualifiers

Cannot be:

- A fugitive
- A felon
- A drug offender
- Violent
- A “mental defective”
- Subject to a restraining order

# Concealed Handgun License: Requirements

- Must be legally within the U.S., an Ohio resident for at least 45 days, and at least 21 years of age.
- The application process:
  - Completed application
  - License fee
  - Color passport photo
  - Set of fingerprints

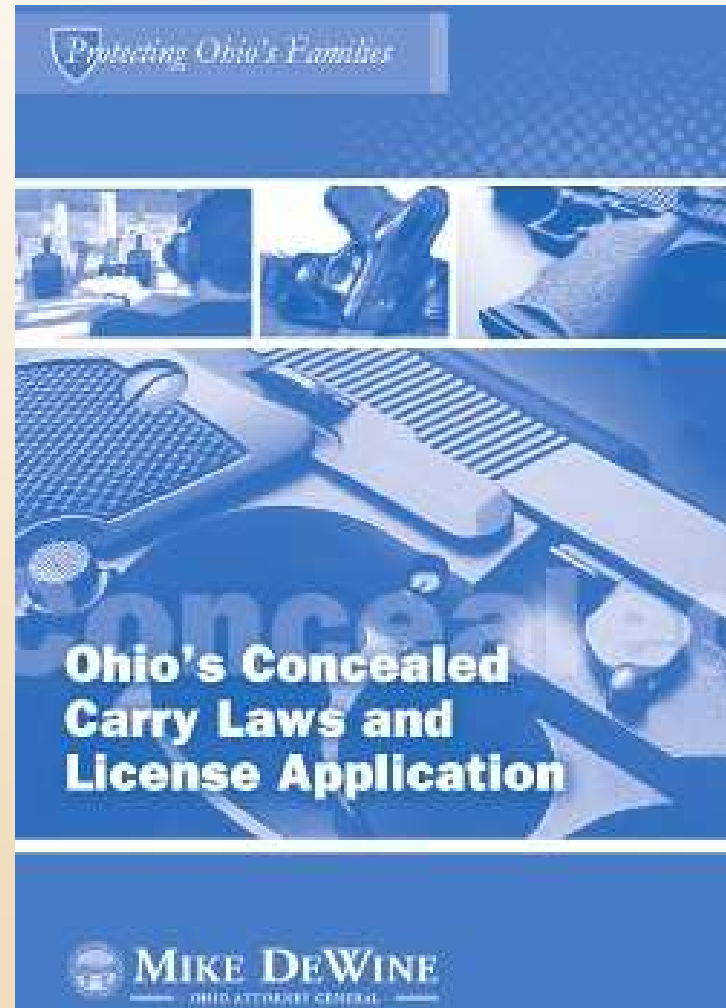
# Concealed Handgun License: Requirements

- A competency certificate that shows:
  - Completion of an NRA firearms safety and training course
    - Peace officers training school or firearms requalification as a peace officer
    - Active, reserve, or recent honorable discharge from the U.S. armed forces AND equivalent firearms expertise
  - Such course must, at a minimum, provide:
    - 10 hours of classroom training about firearms, law, safety, and attitude
    - 2 hours of live gun handling and firing on a range

**This is a REAL requirement!**

## Concealed Handgun License: Requirements

- Must certify that the applicant has read the “gun pamphlet” prepared by the Ohio Attorney General.





## Employee's Rights

- The license gives licensees the right to carry “anywhere in the state” except for certain specified exceptions:
  - Police stations, jails, airport terminals
  - Any daycare center, school, or university
  - Any place of worship
  - Any government building
  - Exceptions

# Employer's Rights

- Specific employer protections:
  - No negation or restriction of employer rules
  - No restriction on employer policy
  - No requirement that employer addresses conceal  
carry at all

# Employer's Rights

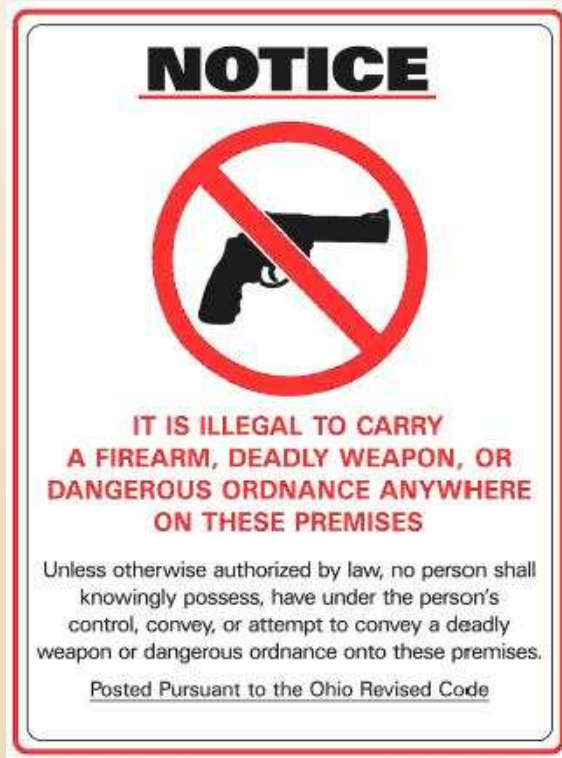
- Specific employer protections:
  - Employers are immune from civil liability
    - Caused by a licensee bringing a gun to the employer's property
    - Caused by an employer's decision to permit or prohibit concealed carry

# Employer's Rights

- Employer Property: Employees Versus Customers
  - Employment policies
  - Conspicuous location on the premises prohibiting concealed carry
  - “Knowingly” requirement
    - Violations and sanctions

## Employer's Rights

- Employer Property: Signage and Notice



# **Crafting your Policy – Things to Consider**

- Insurance contracts
- Security guards
- Enforcing a policy
- Policy considerations

# Other Relevant Laws

- State Supremacy
  - No municipality may pass local laws that are more restrictive than Ohio state law
  - Litigation has centered around
    - Parks
    - Local gun laws

# Other Relevant Laws

- Self Defense Law:
  - Tort liability shield
  - Stand your ground
  - Castle doctrine
  - Presumption of reasonableness



## Take-away Points

- Employers do not have to do anything.
- Employers are immune from civil liability for the actions of licensees.
- Employers have the right to enact policies regulating conduct on their property.
- But, if you are going to make any policy, enforce it evenly.
- Think about what you are trying to accomplish before you make any policy.