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

A Mini-Forum Presented by<br>The University of Toledo Center for Family \& Privately-Held<br>Businesses<br>Wyatt J. Holliday, Esq.<br>Shumaker, Loop \& Kendrick, LLP<br>April 9, 2013

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## 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!

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## What is a concealed handgun license?

Front

HOLMES COUNTY
Ohio License to Carry a Concealed Handgun


Back

License [x] Original provided by usacarry.com
Type:
[ ] Replacement
[ ] Temporary Emergency
[ ] Replacement Temporary Emergency
[ ] Renewal
The licensee named and whose photo appears on this card is permitted to carry a concealed handgun in the state of Ohio under requirements set forth in Ohio Revised Code Section 2923.125


Timothy W. Zimmerly / Holmes County

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## Concealed Handgun License: Disqualifiers

Cannot be:

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


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## 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

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## 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!

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Concealed Handgun License: Requirements

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


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## 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

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## 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

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## Employer's Rights

## - Employer Property: Signage and Notice

## NOTICE



IT IS ILLEGAL TO CARRY A FIREARM, DEADLY WEAPON, OR DANGEROUS ORDNANCE ANYWHERE

ON THESE PREMISES
Unless otherwise authorized by law, no person shall knowingly possess, have under the person's control, convey, or attempt to convey a deadly weapon or dangerous ordnance onto these premises. Posted Pursuant to the Ohio Revised Corde


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## Crafting your Policy - Things to Consider

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

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## 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

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## Other Relevant Laws

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

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## 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.


[^0]:    Se Mike DeWine

