



## Ohio Revised Code

### Section 5502.411 Weapons during declared emergency.

Effective: April 4, 2023

Legislation: Senate Bill 16 - 134th General Assembly

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(A) As used in this section:

- (1) "Ammunition" has the same meaning as in section 2305.401 of the Revised Code.
- (2) "Concealed handgun license," "deadly weapon," "firearm," and "valid concealed handgun license" have the same meanings as in section 2923.11 of the Revised Code.
- (3) "Licensee" has the same meaning as in section 2923.124 of the Revised Code.

(B) The transport, storage, sale, transfer, commerce in, import and export of, distribution, repair, maintenance, and manufacture of deadly weapons or firearms, ammunition, and accessories and components related to deadly weapons or firearms, shooting ranges, and other goods and services directly related to lawful deadly weapon or firearm possession, use, storage, repair, maintenance, sale, transfer, and training in the use of deadly weapons or firearms, are declared to be life-sustaining "essential" businesses and services for the purposes of safety and security in times of declared emergency or any other statutorily authorized response to any disaster, war, act of terrorism, riot, civil disorder, public health crisis, public nuisance, or emergency of whatever kind or nature.

(C) Except as provided in this section, no state agency, political subdivision, elected or appointed official or employee of this state or any political subdivision, or agent of this state or of any political subdivision, board, commission, bureau, or other public body established by law may, under any governmental authority or color of law exercised as part of any statutorily authorized response to any disaster, war, act of terrorism, riot, civil disorder, public health crisis, public nuisance, or emergency of whatever kind or nature, do any of the following:

- (1) Prohibit, regulate, or curtail the otherwise lawful possession, carrying, display, sale, transportation, transfer, defensive use, or other lawful use of any of the following:



- (a) Any firearm, including any component or accessory of a firearm;
  - (b) Any ammunition, including any component or accessory of ammunition;
  - (c) Any ammunition-reloading equipment, component, or supplies;
  - (d) Any deadly weapon, including any component or accessory of a deadly weapon.
- (2) Require registration of deadly weapon or firearm owners, of any firearms, including any component or accessory of a firearm, of any ammunition, including any component or accessory of ammunition, or of any deadly weapon, including any component or accessory of a deadly weapon;
- (3) Seize, commandeer, or confiscate in any manner, any of the following items that are possessed, carried, displayed, sold, transferred, transported, stored, or used in connection with otherwise lawful conduct:
- (a) Any firearm, including any component or accessory of a firearm;
  - (b) Any ammunition, including any component or accessory of ammunition;
  - (c) Any ammunition-reloading equipment, component, or supplies;
  - (d) Any deadly weapon, including any component or accessory of a deadly weapon.
- (4) Suspend or revoke a valid concealed handgun license, except as expressly authorized in Chapter 2923. of the Revised Code;
- (5) Refuse to accept or process an application for a concealed handgun license or for renewal of a concealed handgun license, provided the application for the license has been properly completed and submitted in accordance with section 2923.125 or 2923.1213 of the Revised Code and the application for the renewal has been properly completed and submitted in accordance with section 2923.125 of the Revised Code;



(6) Prohibit, suspend, or limit the business operations of any entity engaged in the lawful selling or servicing of any firearms or ammunition, including any components or accessories of firearms or ammunition, any ammunition-reloading equipment, component, or supplies, or any deadly weapons, including any component or accessory of deadly weapons;

(7) Prohibit, suspend, or limit the business operations of any legally established indoor or outdoor shooting range, whether located on state lands or on land other than state lands, or of any entity engaged in providing deadly weapon or firearms safety, deadly weapon or firearms training, firearms license qualification or requalification, firearms safety instructor courses, or any similar class, course, or program;

(8) Place restrictions or quantity limitations on any entity regarding the lawful sale or servicing of any of the following:

(a) Any firearm, including any component or accessory of a firearm;

(b) Any ammunition, including any component or accessory of ammunition;

(c) Any ammunition-reloading equipment, component, or supplies;

(d) Any deadly weapon, including any component or accessory of a deadly weapon.

(9) Suspend, restrict, or prohibit otherwise lawful hunting, fishing, or trapping activities or business entities conducting or directly facilitating lawful hunting, trapping, or fishing activities, whether conducted on state lands and waters or on land and waters other than state lands and waters.

(D)(1) If a concealed handgun license has been issued to a licensee under either section 2923.125 or 2923.1213 of the Revised Code, if the governor issues an executive order declaring an emergency, and if the date that the valid and existing license would or is scheduled to expire falls within the period of emergency declared by the governor's executive order or the thirty days immediately preceding the date of that declaration, then, notwithstanding the date of scheduled expiration, the license is automatically extended throughout the duration of the period of the emergency plus an additional ninety days. If, during the period of the emergency or during the additional ninety days, a



licensee issued a license under section 2923.125 of the Revised Code submits an application for renewal of the license or schedules an appointment with the issuing authority or another authority authorized to renew the license, the license is further automatically extended until the renewal application is accepted and fully processed.

(2) If division (D)(1) of this section applies with respect to a concealed handgun license, during the extension period described in that division that is applicable to that license, all of the following apply:

(a) The license shall be valid for all purposes under the laws of this state and the person to whom the license was issued shall be considered for all purposes under the laws of this state to be the holder of a valid license to carry a concealed handgun, and the license shall be valid for all purposes under section 2923.128 of the Revised Code ;

(b) The license remains subject to the operation of section 2923.128 of the Revised Code during the extended period of the license and at any other time ;

(c) Except for the date of scheduled expiration, all other conditions and restrictions otherwise applicable to the license and the license holder continue to apply during the extended period of the license and at any other time.

(E) Notwithstanding any inconsistent provision of law, including sections 5502.30 and 5502.35 of the Revised Code:

(1) A person, group, or entity adversely affected by any manner of law, ordinance, rule, regulation, resolution, practice, or other action enacted or enforced in violation of this section may file an action for damages, injunctive relief, declaratory relief, or other appropriate redress in the court of common pleas of the county in which the aggrieved person resides or the group or entity is located, or in which the violation occurred, unless the action is for damages and filed against any state agency, any elected or appointed official or employee of the state, or any other agent of the state.

(2) In an action brought under authority of division (E)(1) of this section:



(a) A person, group, or entity adversely affected by any manner of law, ordinance, rule, regulation, resolution, practice, or other action enacted or enforced by any political subdivision, any elected or appointed official or employee of a political subdivision, or any agent of any political subdivision, bureau, or other public body established by law in conflict with this section may bring a civil action against the political subdivision, elected or appointed official or employee of the political subdivision, or agent of the political subdivision, bureau, or other public body seeking damages, declaratory relief, injunctive relief, or a combination of those remedies. Any damages awarded shall be awarded against, and paid by, the political subdivision, or the bureau, or other public body. In addition to any actual damages awarded against the agency, the political subdivision, or the board, commission, bureau, or other public body and any other relief provided with respect to such an action, the court shall award reasonable expenses to any person, group, or entity that brings the action, to be paid by the political subdivision, bureau, or other public body, if either of the following applies:

(i) The person, group, or entity prevails in a challenge to the law, ordinance, rule, regulation, resolution, practice, or action as being in conflict with this section.

(ii) The law, ordinance, rule, regulation, resolution, practice, or action or the manner of its enforcement is repealed or rescinded after the civil action was filed but prior to a final court determination of the action.

(b) In addition to any other remedy available at law or in equity, a person, group, or entity aggrieved by the seizure or confiscation, in violation of this section, of one or more items listed in division (C)(3) of this section may apply to the court of common pleas of the county in which the item or items were seized or confiscated for the immediate return of the item or items, unless the action is for damages and filed against any state agency, any elected or appointed official or employee of the state, or any other agent of the state. Except as otherwise provided in division (E)(2)(a) of this section, upon receipt of the application and a determination by the court that the seizure or confiscation of the item or items was in violation of this section, the court shall order the immediate return of the item or items by the seizing or confiscating state agency, political subdivision, board, commission, bureau, or other public body and that entity's employed officials. If a court orders the return of the seized or confiscated item or items under this division and the item or items are not returned in accordance with the order, the aggrieved party may claim reasonable costs and attorney



fees for the loss and, the cost of reclaiming the item or items, or the cost of any damages to the item or items.

(3) Any claim filed against any state agency, any elected or appointed official or employee of the state, or any other agent of the state for damages shall be filed with the court of claims.

(4) Nothing in this section shall be interpreted to mean the state intends to waive its right to federal immunity under the eleventh amendment of the United States Constitution.

(F) The provisions contained in the amendments to section 3761.16 of the Revised Code and the enactment of this section by S.B. 16 of the 134th general assembly are severable, as provided in section 1.50 of the Revised Code. In particular, it is the intent of the general assembly that any invalidity or potential invalidity of a provision contained in those amendments or this section is not to impair the immediate and continuing enforceability of the remaining provisions.