[Cite as *State v. Hartle*, 2026-Ohio-4620.]

IN THE COURT OF APPEALS OF OHIO
SIXTH APPELLATE DISTRICT
LUCAS COUNTY

State of Ohio — Court of Appeals No. {48}L-25-00204

Appellee — Trial Court No. CR0202500631

v.

Cole Hartle — **DECISION AND JUDGMENT**

Appellant — Decided: November 20, 2026

* * * * *

Julia R. Bates, Lucas County Prosecuting Attorney, and
Evy M. Jarrett, Assistant Prosecuting Attorney, for appellee.

Michael H. Stahl, for appellant.

* * * * *

OSOWIK, P.J.

{¶ 1} Plaintiff-appellant, the State of Ohio, appeals the August 18, 2025 judgment of the Lucas County Court of Common Pleas, which granted the motion to dismiss of defendant-appellee, Cole Hartle, on the basis that the statutes under which he was charged violate the Second Amendment. For the following reasons, we affirm, in part, and reverse, in part, the judgment of the trial court.

I. Background

{¶ 2} Cole Hartle was indicted on charges of carrying a concealed weapon, a violation of R.C. 2923.12(A)(2) and (F)(1), a fourth-degree felony (Count 1), and improperly handling firearms in a motor vehicle, a violation of R.C. 2923.16(B) and (I), a fourth-degree felony (Count 2). Count 1 of the indictment alleged that Hartle "did knowingly carry or have concealed on his person or concealed ready at hand a handgun other than a dangerous ordnance, to wit: Sig Sauer P320 .45 caliber pistol," which was "either loaded or for which the offender had ammunition ready at hand." Count 2 alleged that Hartle "did knowingly transport or have a loaded firearm in a motor vehicle in such a manner that the firearm [was] accessible to the operator or any passenger without leaving the vehicle[.]" The conduct giving rise to these charges was alleged to have occurred on or about March 27, 2025, when Hartle was 19 years old.

{¶ 3} On July 21, 2025, Hartle moved to dismiss both counts of the indictment on the ground that the statutes under which he was charged are unconstitutional under the Second Amendment, as applied. In his motion, Hartle explained that Ohio's concealed-carry and improper-handling statutes permit only "qualifying adults"—defined in R.C. 2923.111(A)(2)—to lawfully carry a concealed weapon or transport a loaded weapon in a motor vehicle; adults ages 18- to 20-years old cannot be deemed "qualifying adults." Then-19-year-old Hartle argued that under the U.S. Supreme Court's decision in *New York State Rifle & Pistol Assn. v. Bruen*, 597 U.S. 1, 59 (2022), Ohio's concealed-carry

and improper-handling statutes violate his Second Amendment rights because they restrict his possession of a firearm on the sole basis that he is not a qualifying adult.

{¶ 4} The State responded that the concealed-carry statute did not prohibit Hartle from possessing a firearm; it merely restricted his right to carry a *concealed* firearm and banned concealed carry without an appropriate license. The State urged that under the analysis adopted by the U.S. Supreme Court in *Bruen*, states may ban concealed carry so long as open carry is still permitted. It also maintained that the concealed-carry law is a temporary, age-based restriction consistent with the common law, and does not ban all possession of firearms. The State contended that "youthful impulsivity" and "other limitations of judgment" justify these restrictions and are consistent with founding era laws disarming certain groups.

{¶ 5} The State also claimed that the improper-handling statute makes "no mention of age" and is a reasonable regulation on the manner of carry. It argued that having a firearm ready for discharge on the road and easily accessible can fuel road rage and "create[] a symptom of problems likely to terrorize others," and it emphasized that under the common law, individuals could not carry deadly weapons in a manner likely to terrorize others.

{¶ 6} The trial court granted Hartle's motion to dismiss. It adopted the reasoning and rationale of Judge Kenneth Walz in *State v. Harris*, Lucas County case No. CR02025000080, who granted a similar motion to dismiss. There, the court dismissed charges of carrying a concealed weapon and improper handling after finding that (1) 18-

to-20-year-olds are part of "the people" protected by the Second Amendment, and (2) the State failed to meet its burden under *Bruen* to justify its regulation by demonstrating that it is consistent with the Nation's historical tradition of firearm regulation.

{¶ 7} The State appealed. It assigns the following errors for our review:

> I. Ohio's age-based firearms restrictions are consistent with the historic tradition of firearms regulations.
>
> II. Alternatively, those under the age of 21 are not within "the people" protected by the Second Amendment.

II. Law and Analysis

{¶ 8} The State argues that Ohio's CCW and improper-handling statutes do not violate the Second Amendment as applied to Hartle because (1) age-based restrictions are consistent with the nation's historical tradition of firearm regulations, and (2) people under the age of 21 are not among "the people" protected by the Second Amendment. We address these assignments of error in reverse order, and we separate our discussions of the CCW and improper-handling statutes. Also, before addressing the State's assignments of error, we briefly explain the statutes at issue in this appeal and address the applicable standard of review.

{¶ 9} In Ohio, a person may *openly* carry a handgun in public unless otherwise prohibited by federal or state law. *Ohioans for Concealed Carry, Inc. v. Clyde,* 2008-Ohio-4605, ¶ 20, citing R.C. 9.68(A); *State v. Massingill,* 2021-Ohio-2674, ¶ 15 (8th Dist.). While open carry is generally permitted in Ohio, it is illegal under R.C. 2923.12(A)(2) to knowingly carry or have a *concealed* handgun. This prohibition does

not apply if a person has a concealed handgun license. R.C. 2923.12(C)(2). Moreover, under R.C. 2923.111(B)(1), a person who is a "qualifying adult" can carry a concealed handgun without a license. A "qualifying adult" is a person who is (1) 21 years old or older; (2) not legally prohibited from possessing or receiving a firearm under 18 U.S.C. 922(g)(1) to (9), R.C. 2923.13, or any other Revised Code provision; and (3) satisfies all of the criteria listed in R.C. 2923.125(D)(1)(a) to (j), (m), (p), (q), and (s). R.C. 2923.111(A)(2).

{¶ 10} Under R.C. 2923.111(A)(2), a person who is under 21 years old cannot be deemed a "qualifying adult" even if he or she satisfies all the other criteria set forth in the statute. A person under the age of 21 also cannot obtain a concealed handgun license. R.C. 2923.125(D)(1)(b). The practical effect of these statutes is that a person under age 21 may *openly* carry a legally-possessed handgun, but he or she may not carry a *concealed* handgun.

{¶ 11} The improper-handling statute—R.C. 2923.16(B)—provides that "[n]o person shall knowingly transport or have a loaded firearm in a motor vehicle in such a manner that the firearm is accessible to the operator or any passenger without leaving the vehicle." As with the concealed-carry statute, this statute does not apply to a person who "has been issued a concealed handgun license that is valid at the time in question[.]" *See* R.C. 2923.16(F)(5)(a). Also, R.C. 2923.111 grants a qualifying adult the right to carry a concealed handgun subject to the same restrictions that would apply to a person who has been issued a license to carry a concealed handgun. *State v. Barber,* 2023-Ohio-2991, ¶

20 (6th Dist.). Again, a person under age 21 cannot obtain a concealed-handgun license. R.C. 2923.125(D)(1)(b). The long and short of this is that a "qualifying adult" is treated as though he or she has been issued a concealed-handgun license and may transport or have a loaded firearm in a motor vehicle to the same extent that a licensee may do so. In other words, a "qualifying adult" is not subject to the restriction contained in R.C. 2923.16(B).

{¶ 12} Hartle's motion to dismiss challenged the constitutionality of Ohio's restrictions on concealed carry and improper handling as applied. A party raising an as-applied constitutional challenge must show that the contested legislation "is unconstitutional as applied to a specific set of facts." *State v. Hacker,* 2023-Ohio-2535, ¶ 11, citing *Belden v. Union Cent. Life Ins. Co.*, 143 Ohio St. 329 (1944), paragraph six of the syllabus. A holding that a statute is unconstitutional as applied "does not render the statute wholly inoperative"; rather, it "prevents future application of the statute in a similar context." (Citations omitted.) *McNalley v. Keiser,* 2025-Ohio-5561, ¶ 10 (6th Dist.), *motion to certify and appeal allowed*, 2026-Ohio-1248, quoting *Simpkins v. Grace Brethren Church of Delaware, Ohio,* 2016-Ohio-8118, ¶ 20.

{¶ 13} "Whether a statute is constitutional is a question of law that we review de novo." *Portage Cty. Educators Assn. for Dev. Disabilities-Unit B, OEA/NEA v. State Emp. Relations Bd.,* 2022-Ohio-3167, ¶ 7. Likewise, we review de novo a trial court's decision granting a motion to dismiss based on a constitutional challenge to a statute. *State v. Storms*, 2024-Ohio-1954, ¶ 10 (1st Dist.).

A. Second Assignment of Error

{¶ 14} The Second Amendment to the U.S. Constitution provides that "[a] well regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear Arms, shall not be infringed." In its second assignment of error, the State argues that persons ages 18 to 20 are not included among "the people" to whom the Second Amendment applies because (1) at the time the Second Amendment was ratified, persons under age 21 were not considered adults, and (2) teenagers' brains are not fully developed in regions responsible for higher-order executive functions like impulse control, planning ahead, and risk avoidance, therefore, justifying age-based firearm restrictions.

{¶ 15} In *Lara v. Commr. Pennsylvania State Police,* 125 F.4th 428, 438 (3d Cir. 2025), *cert. denied sub nom. Bivens v. Second Amdt. Found.,* 2026 WL 1871315 (U.S. June 30, 2026), the Third Circuit observed that 18-to-20-year-olds have been deemed to be among "the people" for other constitutional rights like the right to vote, freedom of speech, the freedom to peaceably assemble and to petition the government, and the right against unreasonable searches and seizures. *Id.* at 437. It concluded that they are also among "the people" protected by the Second Amendment. *Id.* at 438. The court reasoned that to hold otherwise would render the Second Amendment right to bear arms "'a second-class right, subject to an entirely different body of rules than the other Bill of Rights guarantees.'" *Id.,* quoting *Bruen*, 597 U.S. at 70, quoting *McDonald v. Chicago*, 561 U.S. 742, 780 (2010).

{¶ 16} The Fifth and Eighth Circuits have held similarly. *See Reese v. Bur. of Alcohol, Tobacco, Firearms, & Explosives,* 127 F.4th 583, 595 (5th Cir. 2025) ("[T]he text of the Amendment's prefatory clause considered along with the overwhelming evidence of their militia service at the founding indicates that eighteen-to-twenty-year-olds were indeed part of 'the people' for Second Amendment purposes."); *Worth v. Jacobson,* 108 F.4th 677, 689 (8th Cir. 2024), *cert. denied,* 145 S.Ct. 1924 (2025) ("Ordinary, law-abiding, adult citizens that are 18 to 20-year-olds are members of the people because: (1) they are members of the political community under [*D.C. v. Heller,* 554 U.S. 570 (2008)]'s 'political community' definition; (2) the people has a fixed definition, though not fixed contents; (3) they are adults; and (4) the Second Amendment does not have a freestanding, extratextual dangerousness catchall."). *See also Bruen* at 31-32 (observing that the petitioners were "two ordinary, law-abiding, adult citizens," and as such, were "part of 'the people' whom the Second Amendment protects.").

{¶ 17} We agree with the Third, Fifth, and Eighth Circuits and hold that 18- to 20-year-olds are included among "the people" protected by the Second Amendment. We find the State's second assignment of error not well-taken.

B. First Assignment of Error

{¶ 18} In its first assignment of error, the State argues that Ohio's age-based firearms restrictions are constitutional under the Second Amendment because they are consistent with the historical tradition of firearms restrictions. Before addressing the

State's specific arguments, we briefly summarize the seminal U.S. Supreme Court decisions on this issue.

{¶ 19} In *Heller,* 554 U.S. 570, the U.S. Supreme Court considered the constitutionality of the District of Columbia's attempt to ban handguns, and it concluded that "the right of the people to keep and bear Arms" guarantees "the individual right to possess and carry weapons in case of confrontation" regardless of service in the militia. *Id.* at 592. Later, in *Bruen,* it considered the constitutionality of regulations restricting the right to publicly *carry* handguns.

{¶ 20} In *Bruen,* New York state law required a license to possess or carry a firearm. To carry a firearm *outside the home*, a person had to obtain "an unrestricted license to 'have and carry' a concealed 'pistol or revolver.'" *Bruen* at 12*,* quoting N.Y. Penal Law Ann. § 400.00(2)(f). To obtain that license, the applicant had to prove the existence of "proper cause." While "proper cause" was undefined, New York courts interpreted it to mean "'a special need for self-protection distinguishable from that of the general community.'" *Id.*, quoting *In re Klenosky*, 428 N.Y.S.2d 256, 257 (1980).

{¶ 21} In *Bruen*, the two petitioners wished to carry handguns for self-defense, but did not claim any unique danger to justify their requests. They were granted only restricted licenses for recreational activities. Petitioners sued the superintendent of the New York State Police and a New York Supreme Court justice, alleging that their Second and Fourteenth Amendment rights were violated when their applications for unrestricted licenses were denied for failure to show proper cause. The district court dismissed

petitioners' complaint, and the court of appeal affirmed. The U.S. Supreme Court granted certiorari to determine whether the denial of petitioners' application violated the Constitution.

{¶ 22} The Court adopted an analysis for courts to apply when considering Second Amendment challenges to gun regulations. Under that analysis, courts must first consider whether "the Second Amendment's plain text covers an individual's conduct[.]" *Bruen* at 17. If it does, "the Constitution presumptively protects that conduct," and the government may not justify its regulation by "simply posit[ing] that the regulation promotes an important interest." *Id.* Instead, to overcome the presumption of constitutional protection, "the government must demonstrate that the regulation is consistent with this Nation's historical tradition of firearm regulation." *Id.* "Only if a firearm regulation is consistent with this Nation's historical tradition may a court conclude that the individual's conduct falls outside the Second Amendment's 'unqualified command.'" *Id.,* quoting *Konigsberg v. State Bar of Cal.*, 366 U.S. 36, 50, fn. 10 (1961). Put another way, the Court concluded that "the government must affirmatively prove that its firearms regulation is part of the historical tradition that delimits the outer bounds of the right to keep and bear arms." *Id.* at 19.

{¶ 23} The Court explained that the analysis of the Nation's historical tradition "requires courts to assess whether modern firearms regulations are consistent with the Second Amendment's text and historical understanding." *Id.* It observed that sometimes "that inquiry will be fairly straightforward." *Id.* For example, "when a challenged

regulation addresses a general societal problem that has persisted since the 18th century," its unconstitutionality may be suggested by (1) the absence of a historical regulation addressing the problem; (2) earlier generations' use of materially different means to address the problem; or (3) the rejection on constitutional grounds of previous attempts to enact analogous regulations. *Id.*

{¶ 24} In *Heller,* the Court had undertaken a review of gun rights spanning from the late 1600s through the nineteenth century before ultimately concluding that the handgun ban violated the Second Amendment. The *Bruen* Court observed that New York's proper-cause requirement concerned the same societal problem that the District of Columbia sought to remedy with its handgun ban: handgun violence in urban areas. It announced that as it did in *Heller,* it would consider "whether 'historical precedent' from before, during, and even after the founding evinces a comparable tradition of regulation.'" *Bruen* at 27, quoting *Heller* at 631.

{¶ 25} Before undertaking its analysis, the Court acknowledged that modern challenges in regulating firearms "are not always the same as those that preoccupied the Founders in 1791 or the Reconstruction generation in 1868." *Id.* It expressed that while the meaning of the Second Amendment "is fixed according to the understandings of those who ratified it, the Constitution can, and must, apply to circumstances beyond those the Founders specifically anticipated." *Id.* at 27-28. So, it explained, while modern regulations may not have been imaginable at the founding, courts must employ "reasoning by analogy." *Id.* at 28. The Court instructed that reasoning by analogy

requires courts to determine "whether a historical regulation is a proper analogue for a distinctly modern firearm regulation," which, in turn "requires a determination of whether the two regulations are 'relevantly similar.'" *Id.* at 29, quoting C. Sunstein, On Analogical Reasoning, 106 Harv. L. Rev. 741, 773 (1993).

{¶ 26} To assist courts, the Court pointed to two metrics for determining whether regulations are "relevantly similar" under the Second Amendment: "how and why the regulations burden a law-abiding citizen's right to armed self-defense." *Id.* The Court identified individual self-defense as "'the *central component*' of the Second Amendment right," and emphasized that "whether modern and historical regulations impose a comparable burden on the right of armed self-defense and whether that burden is comparably justified are *central* considerations when engaging in an analogical inquiry." (Internal quotations omitted. Emphasis in original.) *Id.* at 29, citing *McDonald,* 561 U.S. at 767, quoting *Heller* at 599. It cautioned, however, that "analogical reasoning under the Second Amendment is neither a regulatory straightjacket nor a regulatory blank check." *Id.* at 30. It advised that "courts should not 'uphold every modern law that remotely resembles a historical analogue,'" but neither should it insist upon a "historical twin" when identifying representative historical precursors. *Id.*, quoting *Drummond v. Robinson*, 9 F.4th 217, 226 (3d Cir. 2021).

{¶ 27} Against that backdrop, the Court performed the test it had adopted. Under the first part of that inquiry—whether the Second Amendment's plain text covers the individual's conduct—the Court found that the plain text of the Second Amendment

protects the petitioners' proposed conduct, which was to carry handguns publicly for self-defense. Turning to the second inquiry—whether the government has demonstrated that the regulation is consistent with this Nation's historical tradition of firearm regulation—the Court undertook a lengthy analysis of the history of public-carry rights.

{¶ 28} The Court recognized that the Second Amendment had been adopted in 1791. *Id.* It suggested that the focus in interpreting the Constitution should be on the English common law and British institutions as they existed at the time the instrument was framed and adopted. *Id.* at 39. On the other end of the spectrum, it warned that reliance on late-nineteenth century evidence should be avoided due to its "temporal distance from the founding" among other "serious flaws." *Id.* at 66.

{¶ 29} Ultimately, the Court concluded that "apart from a handful of late-19th-century jurisdictions, the historical record compiled by respondents does not demonstrate a tradition of broadly prohibiting the public carry of commonly used firearms for self-defense." *Id.* at 38. Likewise, it found no historical tradition "limiting public carry only to those law-abiding citizens who demonstrate a special need for self-defense." *Id.* As such, the Court held that the government had "failed to meet [its] burden to identify an American tradition justifying New York's proper-cause requirement," and it invalidated the proper-cause requirement as unconstitutional. *Id.* at 38-39.

{¶ 30} Important to the present case, in analyzing antebellum-era law, the Court recognized that "*the manner* of public carry" had been subject to "reasonable regulation" during that period. (Emphasis in original.) *Id.* at 59. It observed that states had been

permitted to "lawfully eliminate one kind of public carry—concealed carry—so long as they left open the option to carry openly." *Id.* The Court remarked that "[n]one of these historical limitations . . . operated to prevent law-abiding citizens with ordinary self-defense needs from carrying arms in public for that purpose." *Id.* at 60.

1. Concealed Carry

{¶ 31} The State argues that concealed-carry restrictions are presumptively valid under *Bruen* because there is a historical tradition of eliminating this manner of carry and because age-based restrictions are consistent with the historical tradition of regulation of firearms access by categories of persons believed to present a special danger of misuse.

{¶ 32} We recently considered the constitutionality of Ohio's concealed-carry statute in *State v. Byrd*, 2026-Ohio-3664, ¶ 3 (6th Dist.). There, we concluded that regardless of the precise reasons for gun-related restrictions imposed on 18- to 20-year-olds, states can constitutionally prohibit all concealed carry as to all citizens so long as open carry remains available. As an extension of this, "'states today may impose concealed-carry restrictions on subsets of that group for the same reason, so long as open carry remains available, and the statutory classifications do not offend some other constitutional provision, like the Equal Protection Clause.'" *Id.* at ¶ 69, quoting *State v. Reed*, 2025-Ohio-4708, ¶ 27 (1st Dist.) (Crouse, P.J., concurring), *appeal allowed,* 2026-Ohio-667, citing *State v. Hall,* 2025-Ohio-1644, ¶ 101-103, 108-109 (1st Dist.).

{¶ 33} Like the defendants in *Reed* and *Byrd,* Hartle has not raised an equal-protection challenge, thus, to the extent that some other constitutional right may be

implicated by Ohio's age-based restrictions, that issue is not before us. We conclude that the restrictions on Hartle's manner of carry under R.C. 2923.12(A) did not violate his Second-Amendment right to bear arms.

{¶ 34} We recognize that our conclusion here with respect to the CCW charge is in conflict with the decision of the Second District in *State v. Matosky,* 2025-Ohio-5658, ¶ 36 (2d Dist.), which held that the State had "failed its burden to demonstrate that Ohio's age-based restriction on carrying concealed weapons is consistent with the Nation's historical tradition of firearm regulation."

{¶ 35} Section 3(B)(4), Article IV of the Ohio Constitution provides "[w]henever the judges of a court of appeals find that a judgment upon which they have agreed is in conflict with a judgment pronounced upon the same question by any other court of appeals of the state, the judges shall certify the record of the case to the supreme court for review and final determination." *Id.* at ¶ 31. The Ohio Supreme Court set forth three requirements which must be met in order to certify a case:

> First, the certifying court must find that its judgment is in conflict with the judgment of a court of appeals of another district and the asserted conflict must be "upon the same question." Second, the alleged conflict must be on a rule of law-not facts. Third, the journal entry or opinion of the certifying court must clearly set forth that rule of law which the certifying court contends in conflict with the judgment on the same question by other district courts of appeals. *Whitelock v. Gilbane Bldg. Co.*, 66 Ohio St.3d 594, 596 (1993).

{¶ 36} Here, our conclusion is in conflict with the conclusion of the Second District in *Matosky,* 2025-Ohio-5658, ¶ 36 (2d Dist.). We, therefore, sua sponte certify a conflict to the Supreme Court of Ohio, pursuant to Article IV, Section 3(B)(4), Ohio Constitution, on the following issue:

> Is Ohio's age-based restriction on carrying concealed weapons under R.C. 2923.111 and 2923.12(A)(2) a reasonable regulation on the manner of public carry that is consistent with this Nation's historical tradition of firearm regulation and, therefore, constitutional under the Second Amendment?

2. Improper Handling

{¶ 37} Turning to the improper-handling charge, R.C. 2923.16(B) provides that "[n]o person shall knowingly transport or have a loaded firearm in a motor vehicle in such a manner that the firearm is accessible to the operator or any passenger without leaving the vehicle." As previously explained, this statute does not apply to a person who "has been issued a concealed handgun license that is valid at the time in question[.]" *See* R.C. 2923.16(F)(5)(a). It also does not apply to "qualifying adults."

{¶ 38} Hartle is not a "qualifying adult" solely because he was 19 years old at the time of the offense. For Hartle to lawfully transport a firearm in a vehicle, the firearm would have to have been *unloaded* and carried "(1) [i]n a closed package, box, or case; (2) [i]n a compartment that can be reached only by leaving the vehicle; or (3) [i]n plain sight and secured in a rack or holder made for the purpose[.]" R.C. 2923.16(C).

{¶ 39} At the time of the founding, the age of majority was 21 years old. *Reed*, 2025-Ohio-4708, at ¶ 8 (1st Dist.) (Crouse, P.J., concurring). In most states, the age of majority is now 18 years old. *Id.* at ¶ 15. In *Byrd,* in the context of the CCW statute, we agreed with Judge Crouse's concurring decision in *Reed* that "'founding-era limitations on firearm rights were imposed not because of any judgment that those under 21 years of age were dangerous with arms, but because those under 21 were under the legal limitations inherent in minority, and under the legal care and protection of a guardian or parent.'" *See Byrd* at ¶ 31, quoting *Reed* at ¶ 17 (Crouse, P.J., concurring). "Any tradition of firearm restrictions based on age and infancy, therefore, should be viewed as tied to the line between minority and majority, not to the line between 20 and 21 years." *Id.* at ¶ 23.

{¶ 40} In *State v. Baxter,* 2025-Ohio-5722 (1st Dist.), Judge Crouse again concurred and reiterated this rationale in the context of the improper-handling statute. As she did with respect to the CCW statute in *Reed,* she concluded that the statute should be upheld as a mere restriction on the manner of carry. She opined that "[j]ust as the State may criminalize the carrying of concealed weapons generally, it may also criminalize concealing them in a motor vehicle 'to reduce the number of surprise shootings and to put individuals around the arms-bearer on notice of the dangerous weapon they carry.'" *Baxter* at ¶ 19 (Crouse, J., concurring), quoting *Hall,* 2025-Ohio-1644, at ¶ 87 (1st Dist.).

{¶ 41} We do not agree that the improper-handling statute merely restricts the manner of carry. The statute prohibited Hartle from having a loaded firearm in a vehicle such that it could be accessed without leaving the vehicle. In other words, Hartle could not have a loaded handgun on his person while occupying a motor vehicle, thus the handgun would not be ready and available for use in self-defense should the need arise. Rather, for the duration of his car ride, the gun would be rendered useless and Hartle would be completely disarmed, thereby interfering with his right to armed self-defense.

{¶ 42} In addressing a challenge to a similar Pennsylvania law, the court in *Suarez v. Paris,* 741 F.Supp.3d 237, 258 (M.D. Pa. 2024), articulated our concern. It observed that "[i]f public carry necessarily extends beyond the home such that an individual may lawfully bear a firearm in a public place, commonsense dictates that the Constitution's protections cannot simply evaporate whenever a vehicle is required to travel between the two." It opined that under *Bruen*, citizens "must be permitted to freely transport firearms for their constitutional rights to have potency." *Id.* It reasoned that "[j]ust as confining the right to bear arms to the home would 'nullify half of the Second Amendment's operative protections,' . . . the court cannot countenance an interpretation whereby those protections extend only as far as an individual can travel by foot." *Id*. It concluded, therefore, that "the conveyance of firearms in motor vehicles is conduct protected by the Second Amendment." *Id.*

{¶ 43} The Pennsylvania statute at issue in *Suarez* was more restrictive than R.C. 2923.16(B) in that it prohibited unlicensed persons from transporting a firearm—loaded

or unloaded—in a motor vehicle except subject to limited exceptions. *See* 18 Pa. Stat. Ann. § 6106. Nevertheless, the Second Amendment guarantees the right to *armed* self-defense. *Bruen* at 21. Separating a person from their loaded handgun while he or she occupies a motor vehicle effectively *disarms* that person. *See People v. Thompson,* 2025 IL 129965 (Ill.), *as modified on denial of reh'g* (Sept. 22, 2025), *cert. denied sub nom. Thompson v. Illinois,* 146 S.Ct. 1628 (2026) (recognizing that possession of a "ready-to-use firearm" in a vehicle is "presumptively protected under *Bruen*," but finding Illinois' shall-issue licensing scheme constitutional under the Second Amendment).

{¶ 44} Importantly, the State has not cited any historical analogue to support the motor-vehicle restriction. Indeed, as the State maintains, motor vehicles did not exist at the time of the founding and reconstruction eras. It does cite regulations from colonial Massachusetts and New Hampshire authorizing the arrest of individuals who "ride or go armed Offensively . . . by Night or by Day, in Fear or Affray of Their Majesties Liege People." But these were pre-1700 regulations that the *Bruen* Court explained away as having codified the common-law offense of "bearing arms to terrorize the people." *Bruen* at 47. For people like 19-year-old Hartle, R.C. 2923.16(B) outlaws the mere transportation of a loaded firearm in a motor vehicle if it is accessible without exiting the vehicle, regardless of whether he is behaving menacingly.

{¶ 45} In sum, R.C. 2923.16(B) effectively disarms a person while occupying a motor vehicle, and the State has failed to show that this regulation is consistent with this

Nation's historical tradition of firearm regulation. As applied to 19-year-old Hartle, we find the statute unconstitutional under the Second Amendment.

{¶ 46} We recognize that our conclusion here with respect to the improper-handling charge is in conflict with the First District's decisions in *State v. Stonewall*, 2025-Ohio-4974 (1st Dist.), *appeal allowed*, 2026-Ohio-475, and *State v. Baxter*, 2025-Ohio-5722 (1st Dist.). In *Stonewall,* the court held that Ohio's improper-handling statute merely "regulates the manner in which a person under 21 may carry a firearm in a motor vehicle," and does "not deprive [the defendant] of the 'right to carry a handgun for self-defense outside the home.'" *Id.* at ¶ 39*,* quoting *Bruen* at 10. In *Baxter*, the court characterized R.C. 2923.16(B) as a regulation on "the manner in which an individual may possess a firearm in a vehicle" and held that it is constitutional, reasoning that "[t]he restriction that R.C. 2923.16(B) places upon an unqualified adult . . . is limited to the duration in which [he] is in a car." *Id.* at ¶ 11-13. Accordingly, we also sua sponte certify a conflict to the Supreme Court of Ohio on the following issue:

> As applied to adults ages 18 to 20 years old, is Ohio's improper-handling statute, R.C. 2923.16(B), read together with 2923.111, inconsistent with this Nation's historical tradition of firearm regulation such that it is unconstitutional under the Second Amendment?

In sum, we find the State's first assignment of error well-taken as it relates to the CCW charge, but we find it not well-taken as it relates to the improper-handling charge.

III. Conclusion

{¶ 47} As to the State's first assignment of error, the concealed-carry statute restricts only the manner of carry, which the U.S. Supreme Court has made clear is permissible under the Second Amendment. However, the improper-handling statute is unconstitutional under the Second Amendment as applied to Hartle because it effectively disarms him while he occupies a motor vehicle, and the State has failed to show that this regulation is consistent with this Nation's historical tradition of firearm regulation. We, therefore, find the State's first assignment of error well-taken, in part, and not well-taken, in part. Because our conclusions are in conflict with decisions of our sister districts, we certify a conflict on the following issues:

> (1) Is Ohio's age-based restriction on carrying concealed weapons under R.C. 2923.111 and 2923.12(A)(2) a reasonable regulation on the manner of public carry that is consistent with this Nation's historical tradition of firearm regulation and, therefore, constitutional under the Second Amendment?
>
> (2) As applied to adults ages 18 to 20 years old, is Ohio's improper-handling statute, R.C. 2923.16(B), read together with 2923.111, inconsistent with this Nation's historical tradition of firearm regulation such that it is unconstitutional under the Second Amendment?

The parties are directed to Sup.R.Pract. 8.01 for instructions for how to proceed.

{¶ 48} As to the State's second assignment of error, we conclude that adults under age 21 are included among "the people" protected by the Second Amendment. We find the State's second assignment of error not well-taken.

{¶ 49} We affirm, in part, and reverse, in part, the August 18, 2025 judgment of the Lucas County Court of Common Pleas. The matter is remanded to the trial court where the State may proceed against Hartle on Count 1 only. The State is ordered to pay the costs of this appeal under App.R. 24.

Judgment affirmed, in part,
reversed, in part, and remanded.

A certified copy of this entry shall constitute the mandate pursuant to App.R. 27.

Thomas J. Osowik, P.J.

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JUDGE

Christine E. Mayle, J.

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JUDGE

Charles E. Sulek, J.
CONCUR.

_____
JUDGE

This decision is subject to further editing by the Supreme Court of Ohio's Reporter of Decisions. Parties interested in viewing the final reported version are advised to visit the Ohio Supreme Court's web site at: http://www.supremecourt.ohio.gov/ROD/docs/.