



OHIO LEGISLATIVE SERVICE COMMISSION

Bill Analysis

Jeff Hobday

H.B. 253

132nd General Assembly
(As Introduced)

Reps. Householder and Lanese, Koehler, Riedel, Seitz, Conditt, Hambley, Stein, Butler, Kick, Schaffer, Brinkman, Hughes, Goodman, Vitale, Merrin, Wiggam, Keller, Faber, Becker, Gavarone, Antani, Perales, Carfagna, Johnson, Duffey, Young, Thompson, Brenner, McColley, Hood, Sprague, Hagan, Hill, Greenspan

BILL SUMMARY

- Permits an off-duty peace officer and certain other off-duty officers to carry firearms in places where officers are currently authorized to carry only while on duty.
 - Allows a peace officer, whether on or off-duty, to carry a concealed handgun in places where a concealed handgun licensee is not permitted to carry.
 - Prohibits an off-duty officer from possessing weapons in a courthouse when criminal proceedings are occurring that involve a victim who is a family or household member of the officer if the judge has issued an order to that effect.
-

CONTENT AND OPERATION

Exemptions from firearms prohibitions for off-duty officers

The bill removes certain restrictions on where an off-duty peace officer may carry a concealed handgun. Under current law, an off-duty peace officer has the same right to carry a concealed handgun as a concealed handgun licensee but is subject to the same restrictions. A concealed handgun licensee generally may not carry a concealed handgun in a police station, state correctional institution, airport, school safety zone, courthouse, liquor permit premise, institution of higher education, place of worship, government building, or place in which federal law prohibits carrying a handgun.¹ Subject to the conditions described below, the bill permits a peace officer to carry a

¹ R.C. 2923.126(B).

concealed handgun in any of those places except where prohibited by federal law. It also allows an officer to carry a concealed handgun on private property, regardless of any sign posted that prohibits firearms on the property.²

The bill provides that the prohibition against carrying concealed weapons does not apply to a state or federal officer, agent, or employee, or to a law enforcement officer, who is authorized to carry concealed weapons or dangerous ordnance or is authorized to carry handguns. Similarly, the bill provides that the prohibition against possessing a firearm in a liquor permit premises does not apply to a state or federal officer, agent, or employee, or to a law enforcement officer, who is authorized to carry firearms, as long as that person is not consuming beer or intoxicating liquor or under the influence of alcohol or a drug of abuse. The bill eliminates the additional condition for both exemptions under current law that the officer, agent, or employee be acting within the scope of their duties.³

Carrying weapons in a courthouse

Under the bill, the prohibition against carrying a deadly weapon or dangerous ordnance in a courthouse generally does not apply to a peace officer, or a law enforcement officer of another state, political subdivision of another state, or the United States, who is authorized to carry a deadly weapon or dangerous ordnance, regardless of whether the person is on or off-duty. Under current law, the exemption applies only if the officer has the deadly weapon or dangerous ordnance as a requirement of that person's duties and the officer is acting within the scope of the officer's duties.⁴

The bill provides that the exemption described above does not apply to an off-duty officer when a criminal proceeding is occurring in which the defendant is charged with an offense of violence and the alleged victim is a family or household member of the officer, if a judge has issued an order prohibiting the officer from possessing a deadly weapon or dangerous ordnance in the courthouse while the criminal proceeding is occurring.⁵

² R.C. 2923.126(E)(1).

³ R.C. 2923.12(C)(1)(a) and 2923.121(B)(1)(a).

⁴ R.C. 2923.123(C)(2)(a).

⁵ R.C. 2923.123(E)(2).



HISTORY

ACTION

DATE

Introduced

05-31-17

H0253-I-132.docx/ks

