



OHIO LEGISLATIVE SERVICE COMMISSION

Bill Analysis

Sarah A. Maki

H.B. 622

132nd General Assembly
(As Introduced)

Reps. Perales, Butler, Henne, Kick, Merrin, Retherford, Rezabek, Riedel, Romanchuk, Thompson, Young

BILL SUMMARY

- Allows a judge or magistrate to carry a concealed handgun into a courthouse if the judge or magistrate is a concealed handgun licensee, carries a valid concealed handgun license and identification, and secures or provides for the secure storage of the handgun, even if a court-adopted weapons ban is in place.
- Allows an Ohio Supreme Court justice, judge, or magistrate to carry a concealed handgun in an attached parking area, facilities, or attendant exterior grounds of the Supreme Court, if the justice meets the requirements listed in the previous dotpoint, even if the Supreme Court has adopted a rule or regulation to the contrary.
- Allows a judge or magistrate to carry a concealed handgun in a parking facility attached to a courthouse if the judge or magistrate meets the requirements listed in the first dotpoint.
- Allows a judge or magistrate to carry a concealed handgun onto private land or premises if the land or premises is a courthouse or parking facility attached to a courthouse if the judge or magistrate meets the requirements listed in the first dotpoint, even if a sign has been posted prohibiting firearms.
- Provides that a justice, judge, or magistrate must personally secure a handgun by securing it in a manner approved by the officer who has charge of the courthouse or by transferring possession of the handgun to that officer in a manner expressly authorized for judges and magistrates.

CONTENT AND OPERATION

Illegal conveyance of a deadly weapon or dangerous ordnance into a courthouse

Prohibition

All persons are generally prohibited from carrying deadly weapons into a courthouse. Under current law, the offense of "illegal conveyance of a deadly weapon or dangerous ordnance into a courthouse" prohibits a person from knowingly conveying or attempting to convey a deadly weapon or dangerous ordnance into a courthouse or into another building or structure in which a courtroom is located or knowingly possessing or having under the person's control a deadly weapon or dangerous ordnance in a courthouse or into another building or structure in which a courtroom is located.¹

Exemption from prohibition

Under current law, a judge of a court of record of this state, a magistrate, or a concealed handgun licensee is exempt from the offense of illegal conveyance of a deadly weapon or dangerous ordnance into a courthouse, with respect to concealed handguns, subject to certain restrictions.² Under the bill, if the person attempting to convey, conveying, possessing, or controlling a concealed handgun in a courthouse or another building or structure in which a courtroom is located is both a judge or magistrate and a concealed handgun licensee, the exemption relating to a judge or magistrate should be applied, rather than the exemption relating to a concealed handgun licensee.³

Under the bill, the exemption applies even if a court-adopted weapons ban is in place. A court-adopted weapons ban is defined as a Rule of Superintendence, Supreme Court rule, or local rule of the court that prohibits all persons from conveying or attempting to convey a deadly weapon or dangerous ordnance into a courthouse or into another building or structure in which a courtroom is located or possessing or having under one's control a deadly weapon or dangerous ordnance in a courthouse or in another building or structure in which a courtroom is located.⁴

¹ R.C. 2923.123(A) and (B) and 2923.126(B)(3).

² R.C. 2923.123(C)(1), (C)(6)(a), and (E)(3).

³ R.C. 2923.123(C)(6)(b).

⁴ R.C. 2923.123(F)(3).



Under the bill, a provision in a court-adopted weapons ban cannot be enforced against a judge of a court of record of this state or magistrate if the judge or magistrate is a concealed handgun licensee, carrying a valid concealed handgun license and identification at the time of the attempted conveyance, conveyance, possession, or control, and the provision relates to the judge or magistrate doing either of the following:⁵

- Attempting to convey a concealed handgun into a courthouse or into another building or structure in which a courtroom is located;
- Conveying a concealed handgun into or possessing or controlling a concealed handgun in a courthouse or into another building or structure in which a courtroom is located if the judge or magistrate secures or provides for the secure storage of the handgun (see "**Secure storage of a handgun**," below).

Under the bill, the exemption does not apply and a provision in a court-adopted weapons ban can be enforced against a judge of a court of record of this state or magistrate if the judge or magistrate does not satisfy all of the above criteria or if the provision relates to a deadly weapon or dangerous ordnance other than a concealed handgun.⁶

Supreme Court of Ohio

Under the bill, a provision in a rule or regulation adopted by a board, commission, or other entity responsible for the operation and maintenance of the facilities and attendant exterior grounds of the Supreme Court cannot be enforced against a justice of the Supreme Court, judge of a court of record of this state, or magistrate if the justice, judge, or magistrate is a concealed handgun licensee, carrying a valid concealed handgun license and identification at the time of the conveyance or possession, and the provision relates to the justice, judge, or magistrate doing any of the following:⁷

- Carrying a concealed handgun in any attached parking area (defined as a parking garage, parking lot, or parking area for motor vehicles attached to the facilities or attendant exterior grounds of the Supreme Court);

⁵ R.C. 2923.123(E)(1) and (3).

⁶ R.C. 2923.123(E)(2) and (3).

⁷ R.C. 2503.45(A) and (C).



- Leaving a handgun in a locked motor vehicle in any attached parking area;
- Conveying a concealed handgun from any attached parking area into the facilities or attendant exterior grounds of the Supreme Court or possessing a concealed handgun in the facilities or attendant exterior grounds of the Supreme Court if, upon entering the facilities, the justice, judge, or magistrate secures or provides for the secure storage of the handgun (see "**Secure storage of a handgun**," below).

Parking facility attached to a courthouse

Prohibition

Under current law, a concealed handgun licensee is prohibited from carrying a concealed handgun in a building that is a government facility of the state or a political subdivision of the state that is not a building that is used primarily as a shelter, restroom, parking facility for motor vehicles, or rest facility that is not a courthouse or other building or structure in which a courtroom is located, unless the governing body with authority over the building has enacted a statute, ordinance, or policy that permits a licensee to carry a concealed handgun in the building.⁸

Exemption

Under the bill, a judge of a court of record of this state or magistrate is exempt from the prohibition if the judge or magistrate is a concealed handgun licensee, carrying a valid concealed handgun license and identification, and the judge or magistrate is doing any of the following:⁹

- Possessing a concealed handgun in a parking facility for motor vehicles attached to a courthouse or another building or structure in which a courtroom is located;
- Leaving a handgun in a locked vehicle in a parking facility for motor vehicles attached to a courthouse or another building or structure in which a courtroom is located;
- Conveying a concealed handgun from a parking facility for motor vehicles attached to a courthouse or another building or structure in which a

⁸ R.C. 2923.126(B)(7).

⁹ R.C. 2923.126(C)(4)(a).

courtroom is located into a courthouse or another building or structure in which a courtroom is located;

- Possessing a concealed handgun in a courthouse or another building or structure in which a courtroom is located if, upon entering the courthouse or another building or structure in which a courtroom is located, the judge or magistrate secures or provides for the secure storage of the handgun (see "**Secure storage of a handgun**," below).

Private land or premises

Prohibition

Under current law, a person is prohibited from carrying firearms or concealed firearms onto land or premises if the owner or person in control of the private land or premises or a private person or entity leasing land or premises owned by the state, the United States, or a political subdivision of the state or the United States, posts a sign in a conspicuous location prohibiting persons from carrying firearms or concealed firearms on or onto that land or premises.¹⁰

Exemption

Under the bill, a judge of a court of record of this state or magistrate is exempt from the prohibition if the land or premises is a courthouse or another building or structure in which a courtroom is located or a parking facility for motor vehicles attached to a courthouse or such a building or structure and if the judge or magistrate is a concealed handgun licensee, carrying a valid concealed handgun license and identification, and the posting relates to the judge or magistrate doing any of the following:¹¹

- Possessing a concealed handgun in a parking facility for motor vehicles attached to a courthouse or another building or structure in which a courtroom is located;
- Leaving a handgun in a locked vehicle in a parking facility for motor vehicles attached to a courthouse or another building or structure in which a courtroom is located;
- Conveying a concealed handgun from a parking facility for motor vehicles attached to a courthouse or another building or structure in which a

¹⁰ R.C. 2923.126(C)(3)(a).

¹¹ R.C. 2923.126(C)(4)(b).



courtroom is located into a courthouse or another building or structure in which a courtroom is located;

- Possession of a concealed handgun in a courthouse or another building or structure in which a courtroom is located if, upon entering the courthouse or another building or structure in which a courtroom is located, the judge or magistrate secures or provides for the secure storage of the handgun (see "**Secure storage of a handgun**," below).

Secure storage of a handgun

Under the bill, a justice of the Supreme Court, a judge of a court of record of this state, or a magistrate who attempts to convey, conveys, possesses, or controls a concealed handgun in a courthouse or another building or structure in which a courtroom is located, the facilities or attendant exterior grounds of the Supreme Court, or a parking facility attached to a courthouse, must secure or provide for the secure storage of the handgun by doing either of the following:¹²

- By personally securing the handgun promptly after entering the courthouse, building, or structure with a concealed handgun, provided that the officer who has charge of the courthouse, building, or structure has approved a manner of personally securing a handgun for this purpose and the handgun is secured in such a manner;
- By providing for the secure storage of the handgun by transferring its possession to the officer or officer's designee who has charge of the courthouse, building, or structure or in a manner that is expressly authorized for judges and magistrates.
- If a justice of the Supreme Court, judge of a court of record of this state, or magistrate transfers possession of the handgun to the officer or officer's designee who has charge of the courthouse, the officer or designee must secure the firearm until the justice, judge, or magistrate is prepared to leave the premises. An officer who has charge of a courthouse, building, or structure is not required to offer services that provide for the secure storage of a handgun.¹³

¹² R.C. 2923.123(E)(2)(b)(i) and (ii).

¹³ R.C. 2923.123(E)(2)(c).



HISTORY

ACTION

DATE

Introduced

05-01-18

H0622-I-132.docx/ec

