

**As Introduced**

**133rd General Assembly  
Regular Session  
2019-2020**

**S. B. No. 317**

**Senator Coley**

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**A BILL**

To amend section 109.78 of the Revised Code to 1  
expressly exempt, from a requirement that peace 2  
officer basic training be obtained, certain 3  
employees that a board of education or governing 4  
body of a school authorizes to go armed in a 5  
school safety zone within which the board or 6  
governing body has authority. 7

**BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:**

**Section 1.** That section 109.78 of the Revised Code be 8  
amended to read as follows: 9

**Sec. 109.78.** (A) The executive director of the Ohio peace 10  
officer training commission, on behalf of the commission and in 11  
accordance with rules promulgated by the attorney general, shall 12  
certify persons who have satisfactorily completed approved 13  
training programs designed to qualify persons for positions as 14  
special police, security guards, or persons otherwise privately 15  
employed in a police capacity and issue appropriate certificates 16  
to such persons. Application for approval of a training program 17  
designed to qualify persons for such positions shall be made to 18  
the commission. An application for approval shall be submitted 19

to the commission with a fee of one hundred twenty-five dollars, 20  
which fee shall be refunded if the application is denied. Such 21  
programs shall cover only duties and jurisdiction of such 22  
security guards and special police privately employed in a 23  
police capacity when such officers do not qualify for training 24  
under section 109.71 of the Revised Code. A person attending an 25  
approved basic training program administered by the state shall 26  
pay to the agency administering the program the cost of the 27  
person's participation in the program as determined by the 28  
agency. A person attending an approved basic training program 29  
administered by a county or municipal corporation shall pay the 30  
cost of the person's participation in the program, as determined 31  
by the administering subdivision, to the county or the municipal 32  
corporation. A person who is issued a certificate for 33  
satisfactory completion of an approved basic training program 34  
shall pay to the commission a fee of fifteen dollars. A 35  
duplicate of a lost, spoliated, or destroyed certificate may be 36  
issued upon application and payment of a fee of fifteen dollars. 37  
Such certificate or the completion of twenty years of active 38  
duty as a peace officer shall satisfy the educational 39  
requirements for appointment or commission as a special police 40  
officer or special deputy of a political subdivision of this 41  
state. 42

(B) (1) The executive director of the Ohio peace officer 43  
training commission, on behalf of the commission and in 44  
accordance with rules promulgated by the attorney general, shall 45  
certify basic firearms training programs, and shall issue 46  
certificates to class A, B, or C licensees or prospective class 47  
A, B, or C licensees under Chapter 4749. of the Revised Code and 48  
to registered or prospective employees of such class A, B, or C 49  
licensees who have satisfactorily completed a basic firearms 50

training program of the type described in division (A) (1) of 51  
section 4749.10 of the Revised Code. 52

Application for approval of a basic firearms training 53  
program shall be made to the commission. An application shall be 54  
submitted to the commission with a fee of one hundred dollars, 55  
which fee shall be refunded if the application is denied. 56

A person who is issued a certificate for satisfactory 57  
completion of an approved basic firearms training program shall 58  
pay a fee of ten dollars to the commission. A duplicate of a 59  
lost, spoliated, or destroyed certificate may be issued upon 60  
application and payment of a fee of five dollars. 61

(2) The executive director, on behalf of the commission 62  
and in accordance with rules promulgated by the attorney 63  
general, also shall certify firearms requalification training 64  
programs and instructors for the annual requalification of class 65  
A, B, or C licensees under Chapter 4749. of the Revised Code and 66  
registered or prospective employees of such class A, B, or C 67  
licensees who are authorized to carry a firearm under section 68  
4749.10 of the Revised Code. Application for approval of a 69  
training program or instructor for such purpose shall be made to 70  
the commission. Such an application shall be submitted to the 71  
commission with a fee of fifty dollars, which fee shall be 72  
refunded if the application is denied. 73

(3) The executive director, upon request, also shall 74  
review firearms training received within three years prior to 75  
November 23, 1985, by any class A, B, or C licensee or 76  
prospective class A, B, or C licensee, or by any registered or 77  
prospective employee of any class A, B, or C licensee under 78  
Chapter 4749. of the Revised Code to determine if the training 79  
received is equivalent to a basic firearms training program that 80

includes twenty hours of handgun training and five hours of 81  
training in the use of other firearms, if any other firearm is 82  
to be used. If the executive director determines the training 83  
was received within the three-year period and that it is 84  
equivalent to such a program, the executive director shall issue 85  
written evidence of approval of the equivalency training to the 86  
licensee or employee. 87

(C) There is hereby established in the state treasury the 88  
peace officer private security fund, which shall be used by the 89  
Ohio peace officer training commission to administer the 90  
training program to qualify persons for positions as special 91  
police, security guards, or other private employment in a police 92  
capacity, as described in division (A) of this section, and the 93  
training program in basic firearms and the training program for 94  
firearms requalification, both as described in division (B) of 95  
this section. All fees paid to the commission by applicants for 96  
approval of a training program designed to qualify persons for 97  
such private police positions, basic firearms training program, 98  
or a firearms requalification training program or instructor, as 99  
required by division (A) or (B) of this section, by persons who 100  
satisfactorily complete a private police training program or a 101  
basic firearms training program, as required by division (A) or 102  
(B) of this section, or by persons who satisfactorily requalify 103  
in firearms use, as required by division (B) (2) of section 104  
4749.10 of the Revised Code, shall be transmitted to the 105  
treasurer of state for deposit in the fund. The fund shall be 106  
used only for the purpose set forth in this division. 107

(D) ~~No~~ (1) Subject to division (D) (2) of this section, no 108  
public or private educational institution or superintendent of 109  
the state highway patrol shall employ a person as a special 110  
police officer, security guard, or other for a similar law 111

~~enforcement or security position in which such person goes armed~~ 112  
~~while on duty~~, who has not received a certificate of having 113  
satisfactorily completed an approved basic peace officer 114  
training program, unless the person has completed twenty years 115  
of active duty as a peace officer. 116

(2) Division (D)(1) of this section does not apply with 117  
respect to the employment of a person by a board of education or 118  
governing body of a school in a position in which the person has 119  
been authorized by a school board to voluntarily go armed within 120  
a school safety zone within which the board or governing body 121  
has authority, if both of the following apply with respect to 122  
the employment and person: 123

(a) The person will be going armed within a school safety 124  
zone within which the board or governing body has authority 125  
pursuant to written authorization from the board of education or 126  
governing body of the school, as described in division (D)(1)(a) 127  
of section 2923.122 of the Revised Code, to convey deadly 128  
weapons into, or to possess a deadly weapon in, a school safety 129  
zone within which the board or governing body has authority. 130

(b) The person is not being employed as a special police 131  
officer or security officer. 132

**Section 2.** That existing section 109.78 of the Revised 133  
Code is hereby repealed. 134

**Section 3.** The General Assembly hereby declares that the 135  
purpose of this act is to expressly overrule the decision of the 136  
Twelfth District Court of Appeals in the case *Gabbard v.* 137  
*Madison Local School Dist. Bd. of Educ.*, 12th Dist. Butler No. 138  
CA2019-03-051, 2020-Ohio-1180. 139