

As Introduced

134th General Assembly

Regular Session

2021-2022

H. B. No. 99

Representative Hall

Cosponsors: Representatives Riedel, Stoltzfus, Seitz, Stewart



A BILL

To amend sections 109.78 and 2923.122 of the Revised Code to expressly exempt persons authorized to go armed within a school safety zone from a requirement that peace officer basic training be obtained and to require that those persons successfully complete firearms training that meets or exceeds the training requirements for concealed handgun licensees for the exemption to apply.

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

Section 1. That sections 109.78 and 2923.122 of the Revised Code be amended to read as follows:

Sec. 109.78. (A) The executive director of the Ohio peace officer training commission, on behalf of the commission and in accordance with rules promulgated by the attorney general, shall certify persons who have satisfactorily completed approved training programs designed to qualify persons for positions as special police, security guards, or persons otherwise privately employed in a police capacity and issue appropriate certificates

to such persons. Application for approval of a training program 19
designed to qualify persons for such positions shall be made to 20
the commission. An application for approval shall be submitted 21
to the commission with a fee of one hundred twenty-five dollars, 22
which fee shall be refunded if the application is denied. Such 23
programs shall cover only duties and jurisdiction of such 24
security guards and special police privately employed in a 25
police capacity when such officers do not qualify for training 26
under section 109.71 of the Revised Code. A person attending an 27
approved basic training program administered by the state shall 28
pay to the agency administering the program the cost of the 29
person's participation in the program as determined by the 30
agency. A person attending an approved basic training program 31
administered by a county or municipal corporation shall pay the 32
cost of the person's participation in the program, as determined 33
by the administering subdivision, to the county or the municipal 34
corporation. A person who is issued a certificate for 35
satisfactory completion of an approved basic training program 36
shall pay to the commission a fee of fifteen dollars. A 37
duplicate of a lost, spoliated, or destroyed certificate may be 38
issued upon application and payment of a fee of fifteen dollars. 39
Such certificate or the completion of twenty years of active 40
duty as a peace officer shall satisfy the educational 41
requirements for appointment or commission as a special police 42
officer or special deputy of a political subdivision of this 43
state. 44

(B) (1) The executive director of the Ohio peace officer 45
training commission, on behalf of the commission and in 46
accordance with rules promulgated by the attorney general, shall 47
certify basic firearms training programs, and shall issue 48
certificates to class A, B, or C licensees or prospective class 49

A, B, or C licensees under Chapter 4749. of the Revised Code and 50
to registered or prospective employees of such class A, B, or C 51
licensees who have satisfactorily completed a basic firearms 52
training program of the type described in division (A)(1) of 53
section 4749.10 of the Revised Code. 54

Application for approval of a basic firearms training 55
program shall be made to the commission. An application shall be 56
submitted to the commission with a fee of one hundred dollars, 57
which fee shall be refunded if the application is denied. 58

A person who is issued a certificate for satisfactory 59
completion of an approved basic firearms training program shall 60
pay a fee of ten dollars to the commission. A duplicate of a 61
lost, spoliated, or destroyed certificate may be issued upon 62
application and payment of a fee of five dollars. 63

(2) The executive director, on behalf of the commission 64
and in accordance with rules promulgated by the attorney 65
general, also shall certify firearms requalification training 66
programs and instructors for the annual requalification of class 67
A, B, or C licensees under Chapter 4749. of the Revised Code and 68
registered or prospective employees of such class A, B, or C 69
licensees who are authorized to carry a firearm under section 70
4749.10 of the Revised Code. Application for approval of a 71
training program or instructor for such purpose shall be made to 72
the commission. Such an application shall be submitted to the 73
commission with a fee of fifty dollars, which fee shall be 74
refunded if the application is denied. 75

(3) The executive director, upon request, also shall 76
review firearms training received within three years prior to 77
November 23, 1985, by any class A, B, or C licensee or 78
prospective class A, B, or C licensee, or by any registered or 79

prospective employee of any class A, B, or C licensee under 80
Chapter 4749. of the Revised Code to determine if the training 81
received is equivalent to a basic firearms training program that 82
includes twenty hours of handgun training and five hours of 83
training in the use of other firearms, if any other firearm is 84
to be used. If the executive director determines the training 85
was received within the three-year period and that it is 86
equivalent to such a program, the executive director shall issue 87
written evidence of approval of the equivalency training to the 88
licensee or employee. 89

(C) There is hereby established in the state treasury the 90
peace officer private security fund, which shall be used by the 91
Ohio peace officer training commission to administer the 92
training program to qualify persons for positions as special 93
police, security guards, or other private employment in a police 94
capacity, as described in division (A) of this section, and the 95
training program in basic firearms and the training program for 96
firearms requalification, both as described in division (B) of 97
this section. All fees paid to the commission by applicants for 98
approval of a training program designed to qualify persons for 99
such private police positions, basic firearms training program, 100
or a firearms requalification training program or instructor, as 101
required by division (A) or (B) of this section, by persons who 102
satisfactorily complete a private police training program or a 103
basic firearms training program, as required by division (A) or 104
(B) of this section, or by persons who satisfactorily requalify 105
in firearms use, as required by division (B) (2) of section 106
4749.10 of the Revised Code, shall be transmitted to the 107
treasurer of state for deposit in the fund. The fund shall be 108
used only for the purpose set forth in this division. 109

(D) ~~No (1) Subject to division (D) (2) of this section, no~~ 110

public or private educational institution or superintendent of 111
the state highway patrol shall employ a person as a special 112
police officer, as a security guard, or ~~other~~ for a similar law 113
enforcement or security position in which such person goes armed 114
while on duty, who has not received a certificate of having 115
satisfactorily completed an approved basic peace officer 116
training program, unless the person has completed twenty years 117
of active duty as a peace officer. 118

(2) Division (D)(1) of this section does not apply with 119
respect to the employment of a person by a board of education or 120
governing body of a school in a position in which the person has 121
been authorized by a school board to voluntarily go armed within 122
a school safety zone within which the board or governing body 123
has authority, if both of the following apply with respect to 124
the employment and person: 125

(a) The person is a person authorized to go armed within a 126
school safety zone, as defined in section 2923.122 of the 127
Revised Code. 128

(b) The person is not being employed as a special police 129
officer or security officer. 130

(E) The general assembly, in amending division (D) of this 131
section pursuant to ___B. ___ of the 134th general assembly, 132
hereby declares that the purpose of those amendments is to 133
expressly overrule the decision of the Twelfth District Court of 134
Appeals in the case *Gabbard v. Madison Local School Dist. Bd.* 135
of Educ., 12th Dist. Butler No. CA2019-03-051, 2020-Ohio-1180. 136

Sec. 2923.122. (A) No person shall knowingly convey, or 137
attempt to convey, a deadly weapon or dangerous ordnance into a 138
school safety zone. 139

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| (B) No person shall knowingly possess a deadly weapon or dangerous ordnance in a school safety zone. | 140 141 |
| (C) No person shall knowingly possess an object in a school safety zone if both of the following apply: | 142 143 |
| (1) The object is indistinguishable from a firearm, whether or not the object is capable of being fired. | 144 145 |
| (2) The person indicates that the person possesses the object and that it is a firearm, or the person knowingly displays or brandishes the object and indicates that it is a firearm. | 146 147 148 149 |
| (D) (1) This section does not apply to any of the following: | 150 151 |
| (a) An officer, agent, or employee of this or any other state or the United States who is authorized to carry deadly weapons or dangerous ordnance and is acting within the scope of the officer's, agent's, or employee's duties, a law enforcement officer who is authorized to carry deadly weapons or dangerous ordnance, a security officer employed by a board of education or governing body of a school during the time that the security officer is on duty pursuant to that contract of employment, or any other person who has written authorization from the board of education or governing body of a school <u>authorized to convey deadly weapons or dangerous ordnance into go armed within a school safety zone</u> or to possess a deadly weapon or dangerous ordnance in a school safety zone and who conveys or possesses the deadly weapon or dangerous ordnance in accordance with that authorization; | 152 153 154 155 156 157 158 159 160 161 162 163 164 165 166 |
| (b) Any person who is employed in this state, who is authorized to carry deadly weapons or dangerous ordnance, and | 167 168 |

who is subject to and in compliance with the requirements of 169
section 109.801 of the Revised Code, unless the appointing 170
authority of the person has expressly specified that the 171
exemption provided in division (D) (1) (b) of this section does 172
not apply to the person. 173

(2) Division (C) of this section does not apply to 174
premises upon which home schooling is conducted. Division (C) of 175
this section also does not apply to a school administrator, 176
teacher, or employee who possesses an object that is 177
indistinguishable from a firearm for legitimate school purposes 178
during the course of employment, a student who uses an object 179
that is indistinguishable from a firearm under the direction of 180
a school administrator, teacher, or employee, or any other 181
person who with the express prior approval of a school 182
administrator possesses an object that is indistinguishable from 183
a firearm for a legitimate purpose, including the use of the 184
object in a ceremonial activity, a play, reenactment, or other 185
dramatic presentation, school safety training, or a ROTC 186
activity or another similar use of the object. 187

(3) This section does not apply to a person who conveys or 188
attempts to convey a handgun into, or possesses a handgun in, a 189
school safety zone if, at the time of that conveyance, attempted 190
conveyance, or possession of the handgun, all of the following 191
apply: 192

(a) The person does not enter into a school building or 193
onto school premises and is not at a school activity. 194

(b) The person is carrying a valid concealed handgun 195
license or the person is an active duty member of the armed 196
forces of the United States and is carrying a valid military 197
identification card and documentation of successful completion 198

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| of firearms training that meets or exceeds the training | 199 |
| requirements described in division (G) (1) of section 2923.125 of | 200 |
| the Revised Code. | 201 |
| (c) The person is in the school safety zone in accordance | 202 |
| with 18 U.S.C. 922(q) (2) (B) . | 203 |
| (d) The person is not knowingly in a place described in | 204 |
| division (B) (1) or (B) (3) to (8) of section 2923.126 of the | 205 |
| Revised Code. | 206 |
| (4) This section does not apply to a person who conveys or | 207 |
| attempts to convey a handgun into, or possesses a handgun in, a | 208 |
| school safety zone if at the time of that conveyance, attempted | 209 |
| conveyance, or possession of the handgun all of the following | 210 |
| apply: | 211 |
| (a) The person is carrying a valid concealed handgun | 212 |
| license or the person is an active duty member of the armed | 213 |
| forces of the United States and is carrying a valid military | 214 |
| identification card and documentation of successful completion | 215 |
| of firearms training that meets or exceeds the training | 216 |
| requirements described in division (G) (1) of section 2923.125 of | 217 |
| the Revised Code. | 218 |
| (b) The person leaves the handgun in a motor vehicle. | 219 |
| (c) The handgun does not leave the motor vehicle. | 220 |
| (d) If the person exits the motor vehicle, the person | 221 |
| locks the motor vehicle. | 222 |
| (E) (1) Whoever violates division (A) or (B) of this | 223 |
| section is guilty of illegal conveyance or possession of a | 224 |
| deadly weapon or dangerous ordnance in a school safety zone. | 225 |
| Except as otherwise provided in this division, illegal | 226 |

conveyance or possession of a deadly weapon or dangerous
ordnance in a school safety zone is a felony of the fifth
degree. If the offender previously has been convicted of a
violation of this section, illegal conveyance or possession of a
deadly weapon or dangerous ordnance in a school safety zone is a
felony of the fourth degree.

(2) Whoever violates division (C) of this section is
guilty of illegal possession of an object indistinguishable from
a firearm in a school safety zone. Except as otherwise provided
in this division, illegal possession of an object
indistinguishable from a firearm in a school safety zone is a
misdemeanor of the first degree. If the offender previously has
been convicted of a violation of this section, illegal
possession of an object indistinguishable from a firearm in a
school safety zone is a felony of the fifth degree.

(F) (1) In addition to any other penalty imposed upon a
person who is convicted of or pleads guilty to a violation of
this section and subject to division (F) (2) of this section, if
the offender has not attained nineteen years of age, regardless
of whether the offender is attending or is enrolled in a school
operated by a board of education or for which the state board of
education prescribes minimum standards under section 3301.07 of
the Revised Code, the court shall impose upon the offender a
class four suspension of the offender's probationary driver's
license, restricted license, driver's license, commercial
driver's license, temporary instruction permit, or probationary
commercial driver's license that then is in effect from the
range specified in division (A) (4) of section 4510.02 of the
Revised Code and shall deny the offender the issuance of any
permit or license of that type during the period of the
suspension.

If the offender is not a resident of this state, the court shall impose a class four suspension of the nonresident operating privilege of the offender from the range specified in division (A) (4) of section 4510.02 of the Revised Code.

(2) If the offender shows good cause why the court should not suspend one of the types of licenses, permits, or privileges specified in division (F) (1) of this section or deny the issuance of one of the temporary instruction permits specified in that division, the court in its discretion may choose not to impose the suspension, revocation, or denial required in that division, but the court, in its discretion, instead may require the offender to perform community service for a number of hours determined by the court.

(G) As used in this section:

(1) ~~"object"~~ Object that is indistinguishable from a firearm" means an object made, constructed, or altered so that, to a reasonable person without specialized training in firearms, the object appears to be a firearm.

(2) "Person authorized to go armed within a school safety zone" means a person who has written authorization from the board of education or governing body of a school to convey deadly weapons or dangerous ordnance into a school safety zone or to possess a deadly weapon or dangerous ordnance in a school safety zone, who conveys or possesses the deadly weapon or dangerous ordnance in accordance with that authorization, and who has successfully completed firearms training that meets or exceeds the training requirements described in division (G) (1) of section 2923.125 of the Revised Code that qualify a person for a concealed handgun license.

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Section 2. That existing sections 109.78 and 2923.122 of
the Revised Code are hereby repealed.

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