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Am. H. B. No. 272

Representatives Mathews, Pizzulli

Cosponsors: Representatives Barhorst, Carruthers, Click, Creech, Cross, Cutrona, Edwards, Gross, Hall, Hillyer, Holmes, Johnson, Jones, Kick, Loychik, McClain, Miller, K., Schmidt, Seitz, Stewart, Swearingen, Wiggam, Williams

A BILL

To amend sections 2923.123 and 2923.14 of the 1
Revised Code to allow a concealed handgun 2
licensee to carry a handgun in a building or 3
structure that is not a courthouse but in which 4
a courtroom is located in specified 5
circumstances and to permit a nonresident of 6
Ohio to obtain statutory relief from firearms 7
disability based on an Ohio conviction, guilty 8
plea, or delinquent child adjudication. 9

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

Section 1. That sections 2923.123 and 2923.14 of the 10
Revised Code be amended to read as follows: 11

Sec. 2923.123. (A) No person shall knowingly convey or 12
attempt to convey a deadly weapon or dangerous ordnance into a 13
courthouse or into another building or structure in which a 14
courtroom is located. 15

(B) No person shall knowingly possess or have under the 16

person's control a deadly weapon or dangerous ordnance in a 17
courthouse or in another building or structure in which a 18
courtroom is located. 19

(C) This section does not apply to any of the following: 20

(1) Except as provided in division (E) of this section, a 21
judge of a court of record of this state or a magistrate; 22

(2) A peace officer, officer of a law enforcement agency, 23
or person who is in either of the following categories: 24

(a) Except as provided in division (E) of this section, a 25
peace officer, or an officer of a law enforcement agency of 26
another state, a political subdivision of another state, or the 27
United States, who is authorized to carry a deadly weapon or 28
dangerous ordnance, who possesses or has under that individual's 29
control a deadly weapon or dangerous ordnance as a requirement 30
of that individual's duties, and who is acting within the scope 31
of that individual's duties at the time of that possession or 32
control; 33

(b) Except as provided in division (E) of this section, a 34
person who is employed in this state, who is authorized to carry 35
a deadly weapon or dangerous ordnance, who possesses or has 36
under that individual's control a deadly weapon or dangerous 37
ordnance as a requirement of that person's duties, and who is 38
subject to and in compliance with the requirements of section 39
109.801 of the Revised Code, unless the appointing authority of 40
the person has expressly specified that the exemption provided 41
in division (C) (2) (b) of this section does not apply to the 42
person. 43

(3) A person who conveys, attempts to convey, possesses, 44
or has under the person's control a deadly weapon or dangerous 45

ordnance that is to be used as evidence in a pending criminal or 46
civil action or proceeding; 47

(4) Except as provided in division (E) of this section, a 48
bailiff or deputy bailiff of a court of record of this state who 49
is authorized to carry a firearm pursuant to section 109.77 of 50
the Revised Code, who possesses or has under that individual's 51
control a firearm as a requirement of that individual's duties, 52
and who is acting within the scope of that individual's duties 53
at the time of that possession or control; 54

(5) Except as provided in division (E) of this section, a 55
prosecutor, or a secret service officer appointed by a county 56
prosecuting attorney, who is authorized to carry a deadly weapon 57
or dangerous ordnance in the performance of the individual's 58
duties, who possesses or has under that individual's control a 59
deadly weapon or dangerous ordnance as a requirement of that 60
individual's duties, and who is acting within the scope of that 61
individual's duties at the time of that possession or control; 62

(6) Except as provided in ~~division~~ divisions (C) (7) and 63
(E) of this section, a person who conveys or attempts to convey 64
a handgun into a courthouse or into another building or 65
structure in which a courtroom is located, if the person has 66
been issued a concealed handgun license that is valid at the 67
time of the conveyance or attempt or, at the time of the 68
conveyance or attempt, the person is an active duty member of 69
the armed forces of the United States and is carrying a valid 70
military identification card and documentation of successful 71
completion of firearms training that meets or exceeds the 72
training requirements described in division (G) (1) of section 73
2923.125 of the Revised Code, and if in either case the person 74
transfers possession of the handgun to the officer or officer's 75

designee who has charge of the courthouse or building. The 76
officer shall secure the handgun until the licensee is prepared 77
to leave the premises. The exemption described in this division 78
applies only if the officer who has charge of the courthouse or 79
building provides services of the nature described in this 80
division. An officer who has charge of the courthouse or 81
building is not required to offer services of the nature 82
described in this division. 83

(7) A person who conveys or attempts to convey a handgun 84
into a building or structure in which a courtroom is located or 85
possesses or has under the person's control a handgun in a 86
building or structure in which a courtroom is located, if the 87
person has been issued a concealed handgun license that is valid 88
at the time of the conveyance, attempted conveyance, possession, 89
or control if all of the following apply: 90

(a) The building or structure in which the courtroom is 91
located is not a courthouse. 92

(b) The building or structure in which the courtroom is 93
located is a government facility of this state or a political 94
subdivision of this state. 95

(c) The court and the office of the clerk of the court are 96
not in operation at the time of the conveyance, possession, or 97
control. 98

(d) The governing body with authority over the building or 99
structure in which the courtroom is located has enacted a 100
statute, ordinance, or policy that permits a concealed handgun 101
licensee to convey, possess, or control a handgun into the 102
building or structure in which the courtroom is located. 103

(D) (1) Whoever violates division (A) of this section is 104

guilty of illegal conveyance of a deadly weapon or dangerous 105
ordnance into a courthouse. Except as otherwise provided in this 106
division, illegal conveyance of a deadly weapon or dangerous 107
ordnance into a courthouse is a felony of the fifth degree. If 108
the offender previously has been convicted of a violation of 109
division (A) or (B) of this section, illegal conveyance of a 110
deadly weapon or dangerous ordnance into a courthouse is a 111
felony of the fourth degree. 112

(2) Whoever violates division (B) of this section is 113
guilty of illegal possession or control of a deadly weapon or 114
dangerous ordnance in a courthouse. Except as otherwise provided 115
in this division, illegal possession or control of a deadly 116
weapon or dangerous ordnance in a courthouse is a felony of the 117
fifth degree. If the offender previously has been convicted of a 118
violation of division (A) or (B) of this section, illegal 119
possession or control of a deadly weapon or dangerous ordnance 120
in a courthouse is a felony of the fourth degree. 121

(E) The exemptions described in divisions (C) (1), (2) (a), 122
(2) (b), (4), (5), and (6) of this section do not apply to any 123
judge, magistrate, peace officer, officer of a law enforcement 124
agency, bailiff, deputy bailiff, prosecutor, secret service 125
officer, or other person described in any of those divisions if 126
a rule of superintendence or another type of rule adopted by the 127
supreme court pursuant to Article IV, Ohio Constitution, or an 128
applicable local rule of court prohibits all persons from 129
conveying or attempting to convey a deadly weapon or dangerous 130
ordnance into a courthouse or into another building or structure 131
in which a courtroom is located or from possessing or having 132
under one's control a deadly weapon or dangerous ordnance in a 133
courthouse or in another building or structure in which a 134
courtroom is located. 135

(F) As used in this section:	136
(1) <u>"Governing body" has the same meaning as in section 154.01 of the Revised Code.</u>	137 138
(2) <u>"Government facility of the state or a political subdivision of this state" has the same meaning as in section 2923.126 of the Revised Code.</u>	139 140 141
(3) <u>"Magistrate" means an individual who is appointed by a court of record of this state and who has the powers and may perform the functions specified in Civil Rule 53, Criminal Rule 19, or Juvenile Rule 40.</u>	142 143 144 145
(2) (4) <u>"Peace officer" and "prosecutor" have the same meanings as in section 2935.01 of the Revised Code.</u>	146 147
Sec. 2923.14. (A) (1) Except as otherwise provided in division (A) (2) of this section, any person who is prohibited from acquiring, having, carrying, or using firearms may apply to the court of common pleas in the county in which the person resides <u>specified in this division for relief from such prohibition. An application for relief from the prohibition shall be filed in the court of common pleas of the county in which the person resides or, if the person is not a resident of this state and the prohibition is based on an indictment, a conviction of or plea of guilty to an offense, or a delinquent child adjudication, in the county in which the indictment was entered or in which the conviction, guilty plea, or adjudication occurred.</u>	148 149 150 151 152 153 154 155 156 157 158 159 160
(2) Division (A) (1) of this section does not apply to a person who has been convicted of or pleaded guilty to a violation of section 2923.132 of the Revised Code or to a person who, two or more times, has been convicted of or pleaded guilty	161 162 163 164

to a felony and a specification of the type described in section 165
2941.141, 2941.144, 2941.145, 2941.146, 2941.1412, or 2941.1424 166
of the Revised Code. 167

(B) The application shall recite the following: 168

(1) All indictments, convictions or guilty pleas, or 169
adjudications upon which the applicant's disability is based, 170
the sentence imposed and served, and any release granted under a 171
community control sanction, post-release control sanction, or 172
parole, any partial or conditional pardon granted, or other 173
disposition of each case, or, if the disability is based upon a 174
factor other than an indictment, a conviction or guilty plea, or 175
an adjudication, the factor upon which the disability is based 176
and all details related to that factor; 177

(2) Facts showing the applicant to be a fit subject for 178
relief under this section. 179

(C) A copy of the application shall be served on the 180
county prosecutor. The county prosecutor shall cause the matter 181
to be investigated and shall raise before the court any 182
objections to granting relief that the investigation reveals. 183

(D) Upon hearing, the court may grant the applicant relief 184
pursuant to this section, if all of the following apply: 185

(1) One of the following applies: 186

(a) If the disability is based upon an indictment, a 187
conviction or guilty plea, or an adjudication, the applicant has 188
been fully discharged from imprisonment, community control, 189
post-release control, and parole, or, if the applicant is under 190
indictment, has been released on bail or recognizance. 191

(b) If the disability is based upon a factor other than an 192

indictment, a conviction <u>or guilty plea</u> , or an adjudication,	193
that factor no longer is applicable to the applicant.	194
(2) The applicant has led a law-abiding life since	195
discharge or release, and appears likely to continue to do so.	196
(3) The applicant is not otherwise prohibited by law from	197
acquiring, having, or using firearms.	198
(E) Costs of the proceeding shall be charged as in other	199
civil cases, and taxed to the applicant.	200
(F) Relief from disability granted pursuant to this	201
section restores the applicant to all civil firearm rights to	202
the full extent enjoyed by any citizen, and is subject to the	203
following conditions:	204
(1) Applies only with respect to indictments, convictions	205
<u>or guilty pleas</u> , or adjudications, or to the other factor,	206
recited in the application as the basis for the applicant's	207
disability;	208
(2) Applies only with respect to firearms lawfully	209
acquired, possessed, carried, or used by the applicant;	210
(3) May be revoked by the court at any time for good cause	211
shown and upon notice to the applicant;	212
(4) Is automatically void upon commission by the applicant	213
of any offense set forth in division (A) (2) or (3) of section	214
2923.13 of the Revised Code, or upon the applicant's becoming	215
one of the class of persons named in division (A) (1), (4), or	216
(5) of that section.	217
(G) As used in this section:	218
(1) "Community control sanction" has the same meaning as	219

in section 2929.01 of the Revised Code. 220

(2) "Post-release control" and "post-release control 221
sanction" have the same meanings as in section 2967.01 of the 222
Revised Code. 223

Section 2. That existing sections 2923.123 and 2923.14 of 224
the Revised Code are hereby repealed. 225