As Passed by the Senate

136th General Assembly

Regular Session **Sub. S. B. No. 321**

2025-2026

Senator Schaffer

Cosponsors: Senators Patton, Johnson, Antonio, Blackshear, Brenner, Chavez, Cirino, Craig, DeMora, Gavarone, Hicks-Hudson, Ingram, Koehler, Landis, Manning, O'Brien, Reynolds, Roegner, Romanchuk, Timken, Weinstein, Wilkin, Wilson

To enact sections 5119.081 and 5123.131 of the Revised Code regarding the carrying of firearms by certain special police officers.

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

Section 1. That sections 5119.081 and 5123.131 of the Revised Code be enacted to read as follows:

Sec. 5119.081. (A) As used in this section:

(1) "Firearm" has the same meaning as in section 2923.11 of the Revised Code.

(2) "Special police officer" means a special police officer designated under section 5119.08 of the Revised Code.

(B) Subject to divisions (C), (D), and (E) of this section, the director of behavioral health shall not prohibit a special police officer, while on duty on the behalf of an institution under the jurisdiction of the department of behavioral health, from carrying or possessing a firearm in any of the following circumstances:

(1) When escorting a patient outside of the institution;

(2) When operating one or more of the institution's metal detectors;

(3) When patrolling the institution's grounds.

(C) A special police officer shall not possess, carry, or discharge a firearm while on duty on the behalf of an institution under the jurisdiction of the department unless the special police officer does all of the following:

(1) Obtains all necessary firearm certifications in accordance with policies adopted by the department;

(2) Satisfies all training requirements adopted by the department;

(3) Satisfies any other firearm policies adopted by the department.

(D) A special police officer shall not possess, carry, or discharge a firearm or possess, carry, or use ammunition while on duty on the behalf of an institution under the jurisdiction of the department unless the firearm or ammunition has been issued to the special police officer by the department or otherwise approved by the department.

(E) A special police officer who is under investigation for alleged violations of standards of conduct, including work rules, policies, or having pending criminal charges, is prohibited from carrying or possessing a firearm under division (B) of this section until a pending investigation is resolved or authorization is granted by the director of behavioral health.

(F) Notwithstanding section 2743.02 of the Revised Code, the state does not waive its immunity from liability, nor does

it consent to be sued for damage, injury, or death caused by or related to the possession or use of a firearm by a special police officer.

Sec. 5123.131. (A) As used in this section:

(1) "Firearm" has the same meaning as in section 2923.11 of the Revised Code.

(2) "Special police officer" means a special police officer designated under section 5123.13 of the Revised Code.

(B) Subject to divisions (C), (D), and (E) of this section, the director of developmental disabilities shall not prohibit a special police officer, while on duty on the behalf of an institution under the jurisdiction of the department of developmental disabilities, from carrying or possessing a firearm in any of the following circumstances:

(1) When escorting a resident outside of the institution;

(2) When operating one or more of the institution's metal detectors;

(3) When patrolling the institution's grounds.

(C) A special police officer shall not possess, carry, or discharge a firearm while on duty on the behalf of an institution under the jurisdiction of the department unless the special police officer does all of the following:

(1) Obtains all necessary firearm certifications in accordance with policies adopted by the department;

(2) Satisfies all training requirements adopted by the department;

(3) Satisfies any other firearm policies adopted by the

department.

(D) A special police officer shall not possess, carry, or discharge a firearm or possess, carry, or use ammunition while on duty on the behalf of an institution under the jurisdiction of the department unless the firearm or ammunition has been issued to the special police officer by the department or otherwise approved by the department.

(E) A special police officer who is under investigation for alleged violations of standards of conduct, including work rules, policies, or having pending criminal charges, is prohibited from carrying or possessing a firearm under division (B) of this section until a pending investigation is resolved or authorization is granted by the director of developmental disabilities.

(F) Notwithstanding section 2743.02 of the Revised Code, the state does not waive its immunity from liability, nor does it consent to be sued for damage, injury, or death caused by or related to the possession or use of a firearm by a special police officer.