

**As Passed by the Senate**

**136th General Assembly**

**Regular Session**

**2025-2026**

**Sub. S. B. No. 321**

**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 1  
Revised Code regarding the carrying of firearms 2  
by certain special police officers. 3

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

**Section 1.** That sections 5119.081 and 5123.131 of the 4  
Revised Code be enacted to read as follows: 5

**Sec. 5119.081.** (A) As used in this section: 6

(1) "Firearm" has the same meaning as in section 2923.11 7  
of the Revised Code. 8

(2) "Special police officer" means a special police 9  
officer designated under section 5119.08 of the Revised Code. 10

(B) Subject to divisions (C), (D), and (E) of this 11  
section, the director of behavioral health shall not prohibit a 12  
special police officer, while on duty on the behalf of an 13  
institution under the jurisdiction of the department of 14  
behavioral health, from carrying or possessing a firearm in any 15  
of the following circumstances: 16

<u>(1) When escorting a patient outside of the institution;</u>	17
<u>(2) When operating one or more of the institution's metal detectors;</u>	18 19
<u>(3) When patrolling the institution's grounds.</u>	20
<u>(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:</u>	21 22 23 24
<u>(1) Obtains all necessary firearm certifications in accordance with policies adopted by the department;</u>	25 26
<u>(2) Satisfies all training requirements adopted by the department;</u>	27 28
<u>(3) Satisfies any other firearm policies adopted by the department.</u>	29 30
<u>(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.</u>	31 32 33 34 35 36
<u>(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.</u>	37 38 39 40 41 42
<u>(F) Notwithstanding section 2743.02 of the Revised Code, the state does not waive its immunity from liability, nor does</u>	43 44

it consent to be sued for damage, injury, or death caused by or 45  
related to the possession or use of a firearm by a special 46  
police officer. 47

**Sec. 5123.131.** (A) As used in this section: 48

(1) "Firearm" has the same meaning as in section 2923.11 49  
of the Revised Code. 50

(2) "Special police officer" means a special police 51  
officer designated under section 5123.13 of the Revised Code. 52

(B) Subject to divisions (C), (D), and (E) of this 53  
section, the director of developmental disabilities shall not 54  
prohibit a special police officer, while on duty on the behalf 55  
of an institution under the jurisdiction of the department of 56  
developmental disabilities, from carrying or possessing a 57  
firearm in any of the following circumstances: 58

(1) When escorting a resident outside of the institution; 59

(2) When operating one or more of the institution's metal 60  
detectors; 61

(3) When patrolling the institution's grounds. 62

(C) A special police officer shall not possess, carry, or 63  
discharge a firearm while on duty on the behalf of an 64  
institution under the jurisdiction of the department unless the 65  
special police officer does all of the following: 66

(1) Obtains all necessary firearm certifications in 67  
accordance with policies adopted by the department; 68

(2) Satisfies all training requirements adopted by the 69  
department; 70

(3) Satisfies any other firearm policies adopted by the 71

department. 72

(D) A special police officer shall not possess, carry, or 73  
discharge a firearm or possess, carry, or use ammunition while 74  
on duty on the behalf of an institution under the jurisdiction 75  
of the department unless the firearm or ammunition has been 76  
issued to the special police officer by the department or 77  
otherwise approved by the department. 78

(E) A special police officer who is under investigation 79  
for alleged violations of standards of conduct, including work 80  
rules, policies, or having pending criminal charges, is 81  
prohibited from carrying or possessing a firearm under division 82  
(B) of this section until a pending investigation is resolved or 83  
authorization is granted by the director of developmental 84  
disabilities. 85

(F) Notwithstanding section 2743.02 of the Revised Code, 86  
the state does not waive its immunity from liability, nor does 87  
it consent to be sued for damage, injury, or death caused by or 88  
related to the possession or use of a firearm by a special 89  
police officer. 90