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**TO: The House State Government Committee**

**FROM Mitchell H. Banchefsky**  
**City of New Albany Law Director**

**RE: House Bill 20 State Government Committee Hearing: May 13, 2015**

**DATE: May 12, 2015**

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**Chairman Maag, Vice Chair Kunze, Ranking Minority Member, Representative Gerberry, and the members of the State Government Committee,**

**First, let me commend Representatives Gonzales and Koehler for their efforts in re-introducing this legislation designed to amend RC 2923.122 regarding the conveyance of a firearm in a school safety zone, as relates specifically to the exception for concealed firearm license holders. The need for this legislation stems from an incident that occurred on January 13, 2014 at the New Albany School Campus.**

**I want to first clearly preface my remarks by stating that we are not writing to testify regarding second amendment rights, the pros and cons of the State's concealed carry laws, or any related issues. Rather, we are writing in support of House Bill 20, which is intended to address ambiguities in the current law not only for concealed firearms license holders, but also for our law enforcement personnel.**

**As to the events that brought the need for such amendment to light, a father who held a valid concealed carry handgun license, and who was in the process of picking up his daughter from school, exited his vehicle to get an umbrella in order to assist his child into his vehicle. After exiting his vehicle and while reaching into the back seat for his umbrella, the father's jacket was pulled back into a position which allowed another parent to see the handgun he had holstered on his belt. The school was subsequently locked down and upon inquiry from the New Albany Police Department, the Franklin County Prosecutor advised that no law had been broken and that no charges should be pursued. Apparently, the Franklin County**

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Prosecutor's office also indicated that the current law is somewhat ambiguous and can be confusing not only to the concealed firearm license holder, but also to the police.

As written, RC 2923.122 contains an exception that allows a concealed firearm license holder who is in a motor vehicle and actively engaged in dropping off or picking up a student, to carry the concealed firearm into the school safety zone. The confusion occurs when such licensee exits the vehicle in the school safety zone.

The bottom line is that the proposed amendments in HB 20 are designed to clarify that a concealed firearm license holder can exit his/her vehicle in a school safety zone, provided that the firearm remains in the vehicle and that the vehicle is locked. This amendment also expands the exception for being in a school safety zone, from picking up or dropping off a child, to also include picking up or dropping off any person, document or item. Again, under all of these scenarios, the firearm must remain in the vehicle and the vehicle must be locked.

In closing, we feel that these proposed amendments clarifying the rights and restrictions of a concealed firearm licensee in a school safety zone will resolve the ambiguities existing under the present law not only for the licensee, but also law enforcement, school administrators and the general public.

Thank you,

Mitchell Banchefsky  
Law Director  
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