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 designed to qualify persons for such positions shall be made to the commission. An application for approval shall be submitted to the commission with a fee of one hundred twenty-five dollars, which fee shall be refunded if the application is denied. Such programs shall cover only duties and jurisdiction of such security guards and special police privately employed in a police capacity when such officers do not qualify for training under section 109.71 of the Revised Code. A person attending an approved basic training program administered by the state shall pay to the agency administering the program the cost of the person's participation in the program as determined by the agency. A person attending an approved basic training program administered by a county or municipal corporation shall pay the cost of the person's participation in the program, as determined by the administering subdivision, to the county or the municipal corporation. A person who is issued a certificate for satisfactory completion of an approved basic training program shall pay to the commission a fee of fifteen dollars. A duplicate of a lost, spoliated, or destroyed certificate may be issued upon application and payment of a fee of fifteen dollars. Such certificate or the completion of twenty years of active duty as a peace officer shall satisfy the educational requirements for appointment or commission as a special police officer or special deputy of a political subdivision of this state.

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

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

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

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

(3) The executive director, upon request, also shall review firearms training received within three years prior to November 23, 1985, by any class A, B, or C licensee or prospective class A, B, or C licensee, or by any registered or
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prospective employee of any class A, B, or C licensee under Chapter 4749. of the Revised Code to determine if the training received is equivalent to a basic firearms training program that includes twenty hours of handgun training and five hours of training in the use of other firearms, if any other firearm is to be used. If the executive director determines the training was received within the three-year period and that it is equivalent to such a program, the executive director shall issue written evidence of approval of the equivalency training to the licensee or employee.

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

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

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

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

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

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

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

(C) No person shall knowingly possess an object in a school safety zone if both of the following apply:

(1) The object is indistinguishable from a firearm, whether or not the object is capable of being fired.

(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.

(D)(1) This section does not apply to any of the following:

(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 authorized to convey deadly weapons or dangerous ordnance into go armed within a school safety zone 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;

(b) Any person who is employed in this state, who is authorized to carry deadly weapons or dangerous ordnance, and
who is subject to and in compliance with the requirements of
section 109.801 of the Revised Code, unless the appointing
authority of the person has expressly specified that the
exemption provided in division (D)(1)(b) of this section does
not apply to the person.

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

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

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

(b) The person is carrying a valid concealed handgun
license or the person is an active duty member of the armed
forces of the United States and is carrying a valid military
identification card and documentation of successful completion
of firearms training that meets or exceeds the training requirements described in division (G)(1) of section 2923.125 of the Revised Code.

(c) The person is in the school safety zone in accordance with 18 U.S.C. 922(q)(2)(B).

(d) The person is not knowingly in a place described in division (B)(1) or (B)(3) to (8) of section 2923.126 of the Revised Code.

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

(a) The person is carrying a valid concealed handgun license or the person is an active duty member of the armed forces of the United States and is carrying a valid military identification card and documentation of successful completion of firearms training that meets or exceeds the training requirements described in division (G)(1) of section 2923.125 of the Revised Code.

(b) The person leaves the handgun in a motor vehicle.

(c) The handgun does not leave the motor vehicle.

(d) If the person exits the motor vehicle, the person locks the motor vehicle.

(E)(1) Whoever violates division (A) or (B) of this section is guilty of illegal conveyance or possession of a deadly weapon or dangerous ordnance in a school safety zone. Except as otherwise provided in this division, illegal
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.
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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 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.
Section 2. That existing sections 109.78 and 2923.122 of the Revised Code are hereby repealed.