

As Introduced

**125th General Assembly
Regular Session
2003-2004**

H. B. No. 561

Representative Sferra

—

A BILL

To amend sections 2923.122, 2923.124, 2923.126, and 1
2923.1212 of the Revised Code to permit political 2
subdivisions to prohibit the carrying of concealed 3
handguns in any park, swimming pool, sports field, 4
or other outdoor premises or property owned, 5
leased, or otherwise under the control of the 6
political subdivision. 7

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

Section 1. That sections 2923.122, 2923.124, 2923.126, and 8
2923.1212 of the Revised Code be amended to read as follows: 9

Sec. 2923.122. (A) No person shall knowingly convey, or 10
attempt to convey, a deadly weapon or dangerous ordnance into a 11
school safety zone. 12

(B) No person shall knowingly possess a deadly weapon or 13
dangerous ordnance in a school safety zone. 14

(C) No person shall knowingly possess an object in a school 15
safety zone if both of the following apply: 16

(1) The object is indistinguishable from a firearm, whether 17
or not the object is capable of being fired. 18

(2) The person indicates that the person possesses the object 19

and that it is a firearm, or the person knowingly displays or 20
brandishes the object and indicates that it is a firearm. 21

(D)(1) This section does not apply to officers, agents, or 22
employees of this or any other state or the United States, or to 23
law enforcement officers, authorized to carry deadly weapons or 24
dangerous ordnance and acting within the scope of their duties, to 25
any security officer employed by a board of education or governing 26
body of a school during the time that the security officer is on 27
duty pursuant to that contract of employment, or to any other 28
person who has written authorization from the board of education 29
or governing body of a school to convey deadly weapons or 30
dangerous ordnance into a school safety zone or to possess a 31
deadly weapon or dangerous ordnance in a school safety zone and 32
who conveys or possesses the deadly weapon or dangerous ordnance 33
in accordance with that authorization. 34

(2) Division (C) of this section does not apply to premises 35
upon which home schooling is conducted. Division (C) of this 36
section also does not apply to a school administrator, teacher, or 37
employee who possesses an object that is indistinguishable from a 38
firearm for legitimate school purposes during the course of 39
employment, a student who uses an object that is indistinguishable 40
from a firearm under the direction of a school administrator, 41
teacher, or employee, or any other person who with the express 42
prior approval of a school administrator possesses an object that 43
is indistinguishable from a firearm for a legitimate purpose, 44
including the use of the object in a ceremonial activity, a play, 45
reenactment, or other dramatic presentation, or a ROTC activity or 46
another similar use of the object. 47

(3) This section does not apply to a person who conveys or 48
attempts to convey a handgun into, or possesses a handgun in, a 49
school safety zone if, at the time of that conveyance, attempted 50
conveyance, or possession of the handgun, all of the following 51

apply: 52

(a) The person does not enter into a school building or onto 53
school premises and is not at a school activity. 54

(b) The person is carrying a valid license or temporary 55
emergency license to carry a concealed handgun issued to the 56
person under section 2923.125 or 2923.1213 of the Revised Code or 57
a license to carry a concealed handgun that was issued by another 58
state with which the attorney general has entered into a 59
reciprocity agreement under section 109.69 of the Revised Code. 60

(c) The person is in the school safety zone in accordance 61
with 18 U.S.C. 922(q)(2)(B). 62

(d) The person is not knowingly in a place described in 63
division (B)(1) or (B)(3) to ~~(10)~~(11) of section 2923.126 of the 64
Revised Code. 65

(E)(1) Whoever violates division (A) or (B) of this section 66
is guilty of illegal conveyance or possession of a deadly weapon 67
or dangerous ordnance in a school safety zone. Except as otherwise 68
provided in this division, illegal conveyance or possession of a 69
deadly weapon or dangerous ordnance in a school safety zone is a 70
felony of the fifth degree. If the offender previously has been 71
convicted of a violation of this section, illegal conveyance or 72
possession of a deadly weapon or dangerous ordnance in a school 73
safety zone is a felony of the fourth degree. 74

(2) Whoever violates division (C) of this section is guilty 75
of illegal possession of an object indistinguishable from a 76
firearm in a school safety zone. Except as otherwise provided in 77
this division, illegal possession of an object indistinguishable 78
from a firearm in a school safety zone is a misdemeanor of the 79
first degree. If the offender previously has been convicted of a 80
violation of this section, illegal possession of an object 81
indistinguishable from a firearm in a school safety zone is a 82

felony of the fifth degree.

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(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.

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(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.

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(G) As used in this section, "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.

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Sec. 2923.124. As used in sections 2923.124 to 2923.1213 of	114
the Revised Code:	115
(A) "Application form" means the application form prescribed	116
pursuant to division (A)(1) of section 109.731 of the Revised Code	117
and includes a copy of that form.	118
(B) "Competency certification" and "competency certificate"	119
mean a document of the type described in division (B)(3) of	120
section 2923.125 of the Revised Code.	121
(C) "Detention facility" has the same meaning as in section	122
2921.01 of the Revised Code.	123
(D) "Licensee" means a person to whom a license to carry a	124
concealed handgun has been issued under section 2923.125 of the	125
Revised Code and, except when the context clearly indicates	126
otherwise, includes a person to whom a temporary emergency license	127
to carry a concealed handgun has been issued under section	128
2923.1213 of the Revised Code.	129
(E) "License fee" or "license renewal fee" means the fee for	130
a license to carry a concealed handgun or the fee to renew that	131
license that is prescribed pursuant to division (C) of section	132
109.731 of the Revised Code and that is to be paid by an applicant	133
for a license of that type.	134
(F) "Peace officer" has the same meaning as in section	135
2935.01 of the Revised Code.	136
(G) "State correctional institution" has the same meaning as	137
in section 2967.01 of the Revised Code.	138
(H) "Valid license" means a license or temporary emergency	139
license to carry a concealed handgun that has been issued under	140
section 2923.125 or 2923.1213 of the Revised Code, that is	141
currently valid, that is not under a suspension under division	142
(A)(1) of section 2923.128 or under section <u>section</u> 2923.1213 of	143

the Revised Code, and that has not been revoked under division 144
(B)(1) of section 2923.128 or under section 2923.1213 of the 145
Revised Code. 146

(I) "Civil protection order" means a protection order issued, 147
or consent agreement approved, under section 2903.214 or 3113.31 148
of the Revised Code. 149

(J) "Temporary protection order" means a protection order 150
issued under section 2903.213 or 2919.26 of the Revised Code. 151

(K) "Protection order issued by a court of another state" has 152
the same meaning as in section 2919.27 of the Revised Code. 153

(L) "Child day-care center," "type A family day-care home" 154
and "type B family day-care home" have the same meanings as in 155
section 5104.01 of the Revised Code. 156

(M) "Type C family day-care home" means a family day-care 157
home authorized to provide child day-care by Sub. H.B. 62 of the 158
121st General Assembly, as amended by Am. Sub. S.B. 160 of the 159
121st General Assembly and Sub. H.B. 407 of the 123rd General 160
Assembly. 161

(N) "Foreign air transportation," "interstate air 162
transportation," and "intrastate air transportation" have the same 163
meanings as in 49 U.S.C. 40102, as now or hereafter amended. 164

(O) "Political subdivision" has the same meaning as in 165
section 2744.01 of the Revised Code. 166

Sec. 2923.126. (A) A license to carry a concealed handgun 167
that is issued under section 2923.125 of the Revised Code shall 168
expire four years after the date of issuance. A licensee who has 169
been issued a license under that section shall be granted a grace 170
period of thirty days after the licensee's license expires during 171
which the licensee's license remains valid. Except as provided in 172
divisions (B) and (C) of this section, a licensee who has been 173

issued a license under section 2923.125 or 2923.1213 of the 174
Revised Code may carry a concealed handgun anywhere in this state 175
if the licensee also carries a valid license and valid 176
identification when the licensee is in actual possession of a 177
concealed handgun. The licensee shall give notice of any change in 178
the licensee's residence address to the sheriff who issued the 179
license within forty-five days after that change. 180

If a licensee is the driver or an occupant of a motor vehicle 181
that is stopped as the result of a traffic stop or a stop for 182
another law enforcement purpose and if the licensee is 183
transporting or has a loaded handgun in the motor vehicle at that 184
time, the licensee shall promptly inform any law enforcement 185
officer who approaches the vehicle while stopped that the licensee 186
has been issued a license or temporary emergency license to carry 187
a concealed handgun and that the licensee currently possesses or 188
has a loaded handgun; the licensee shall comply with lawful orders 189
of a law enforcement officer given while the motor vehicle is 190
stopped, shall remain in the motor vehicle while stopped, and 191
shall keep the licensee's hands in plain sight while any law 192
enforcement officer begins approaching the licensee while stopped 193
and before the officer leaves, unless directed otherwise by a law 194
enforcement officer; and the licensee shall not knowingly remove, 195
attempt to remove, grasp, or hold the loaded handgun or knowingly 196
have contact with the loaded handgun by touching it with the 197
licensee's hands or fingers, in any manner in violation of 198
division (E) of section 2923.16 of the Revised Code, while any law 199
enforcement officer begins approaching the licensee while stopped 200
and before the officer leaves. If a law enforcement officer 201
otherwise approaches a person who has been stopped for a law 202
enforcement purpose, if the person is a licensee, and if the 203
licensee is carrying a concealed handgun at the time the officer 204
approaches, the licensee shall promptly inform the officer that 205
the licensee has been issued a license or temporary emergency 206

license to carry a concealed handgun and that the licensee
currently is carrying a concealed handgun. 207
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(B) A valid license issued under section 2923.125 or 209
2923.1213 of the Revised Code does not authorize the licensee to 210
carry a concealed handgun in any manner prohibited under division 211
(B) of section 2923.12 of the Revised Code or in any manner 212
prohibited under section 2923.16 of the Revised Code. A valid 213
license does not authorize the licensee to carry a concealed 214
handgun into any of the following places: 215

(1) A police station, sheriff's office, or state highway 216
patrol station, premises controlled by the bureau of criminal 217
identification and investigation, a state correctional 218
institution, jail, workhouse, or other detention facility, an 219
airport passenger terminal, or an institution that is maintained, 220
operated, managed, and governed pursuant to division (A) of 221
section 5119.02 of the Revised Code or division (A)(1) of section 222
5123.03 of the Revised Code; 223

(2) A school safety zone, in violation of section 2923.122 of 224
the Revised Code; 225

(3) A courthouse or another building or structure in which a 226
courtroom is located, in violation of section 2923.123 of the 227
Revised Code; 228

(4) Any room or open air arena in which liquor is being 229
dispensed in premises for which a D permit has been issued under 230
Chapter 4303. of the Revised Code, in violation of section 231
2923.121 of the Revised Code; 232

(5) Any premises owned or leased by any public or private 233
college, university, or other institution of higher education, 234
unless the handgun is in a locked motor vehicle or the licensee is 235
in the immediate process of placing the handgun in a locked motor 236
vehicle; 237

(6) Any church, synagogue, mosque, or other place of worship, 238
unless the church, synagogue, mosque, or other place of worship 239
posts or permits otherwise; 240

(7) A child day-care center, a type A family day-care home, a 241
type B family day-care home, or a type C family day-care home, 242
except that this division does not prohibit a licensee who resides 243
in a type A family day-care home, a type B family day-care home, 244
or a type C family day-care home from carrying a concealed handgun 245
at any time in any part of the home that is not dedicated or used 246
for day-care purposes, or from carrying a concealed handgun in a 247
part of the home that is dedicated or used for day-care purposes 248
at any time during which no children, other than children of that 249
licensee, are in the home; 250

(8) An aircraft that is in, or intended for operation in, 251
foreign air transportation, interstate air transportation, 252
intrastate air transportation, or the transportation of mail by 253
aircraft; 254

(9) Any building that is owned by this state or any political 255
subdivision of this state, and all portions of any building that 256
is not owned by any governmental entity listed in this division 257
but that is leased by such a governmental entity listed in this 258
division; 259

(10) Any park, swimming pool, sports field, or other outdoor 260
premises or property that is owned, leased, or otherwise under the 261
control of a political subdivision of this state and that the 262
political subdivision has designated pursuant to division (E) of 263
this section as a place where the carrying of a concealed handgun 264
is prohibited; 265

(11) A place in which federal law prohibits the carrying of 266
handguns. 267

(C)(1) Nothing in this section shall negate or restrict a 268

rule, policy, or practice of a private employer that is not a 269
private college, university, or other institution of higher 270
education concerning or prohibiting the presence of firearms on 271
the private employer's premises or property, including motor 272
vehicles owned by the private employer. Nothing in this section 273
shall require a private employer of that nature to adopt a rule, 274
policy, or practice concerning or prohibiting the presence of 275
firearms on the private employer's premises or property, including 276
motor vehicles owned by the private employer. 277

(2)(a) A private employer shall be immune from liability in a 278
civil action for any injury, death, or loss to person or property 279
that allegedly was caused by or related to a licensee bringing a 280
handgun onto the premises or property of the private employer, 281
including motor vehicles owned by the private employer, unless the 282
private employer acted with malicious purpose. A private employer 283
is immune from liability in a civil action for any injury, death, 284
or loss to person or property that allegedly was caused by or 285
related to the private employer's decision to permit a licensee to 286
bring, or prohibit a licensee from bringing, a handgun onto the 287
premises or property of the private employer. As used in this 288
division, "private employer" includes a private college, 289
university, or other institution of higher education. 290

(b) A political subdivision shall be immune from liability in 291
a civil action, to the extent and in the manner provided in 292
Chapter 2744. of the Revised Code, for any injury, death, or loss 293
to person or property that allegedly was caused by or related to a 294
licensee bringing a handgun onto any premises or property owned, 295
leased, or otherwise under the control of the political 296
subdivision. ~~As used in this division, "political subdivision" has~~ 297
~~the same meaning as in section 2744.01 of the Revised Code.~~ 298

(3) The owner or person in control of private land or 299
premises, and a private person or entity leasing land or premises 300

owned by the state, the United States, or a political subdivision 301
of the state or the United States, may post a sign in a 302
conspicuous location on that land or on those premises prohibiting 303
persons from carrying firearms or concealed firearms on or onto 304
that land or those premises. A person who knowingly violates a 305
posted prohibition of that nature is guilty of criminal trespass 306
in violation of division (A)(4) of section 2911.21 of the Revised 307
Code and is guilty of a misdemeanor of the fourth degree. 308

(D) A person who holds a license to carry a concealed handgun 309
that was issued pursuant to the law of another state that is 310
recognized by the attorney general pursuant to a reciprocity 311
agreement entered into pursuant to section 109.69 of the Revised 312
Code has the same right to carry a concealed handgun in this state 313
as a person who was issued a license to carry a concealed handgun 314
under section 2923.125 of the Revised Code and is subject to the 315
same restrictions that apply to a person who carries a license 316
issued under that section. 317

A peace officer has the same right to carry a concealed 318
handgun in this state as a person who was issued a license to 319
carry a concealed handgun under section 2923.125 of the Revised 320
Code. For purposes of reciprocity with other states, a peace 321
officer shall be considered to be a licensee in this state. 322

(E) A political subdivision may prohibit the carrying of a 323
concealed handgun in any park, swimming pool, sports field, or 324
other outdoor premises or property that is owned, leased, or 325
otherwise under the control of the political subdivision by 326
adopting an ordinance, regulation, or rule that designates the 327
park, swimming pool, sports field, or other outdoor premises or 328
property as a place where the carrying of a concealed handgun is 329
prohibited. 330

Sec. 2923.1212. (A) The following persons, boards, and 331

entities, or designees, shall post in the following locations a 332
sign that contains a statement in substantially the following 333
form: "Unless otherwise authorized by law, pursuant to the Ohio 334
Revised Code, no person shall knowingly possess, have under the 335
person's control, convey, or attempt to convey a deadly weapon or 336
dangerous ordnance onto these premises.": 337

(1) The director of public safety or the person or board 338
charged with the erection, maintenance, or repair of police 339
stations, municipal jails, and the municipal courthouse and 340
courtrooms in a conspicuous location at all police stations, 341
municipal jails, and municipal courthouses and courtrooms; 342

(2) The sheriff or sheriff's designee who has charge of the 343
sheriff's office in a conspicuous location in that office; 344

(3) The superintendent of the state highway patrol or the 345
superintendent's designee in a conspicuous location at all state 346
highway patrol stations; 347

(4) Each sheriff, chief of police, or person in charge of 348
every county, multicounty, municipal, municipal-county, or 349
multicounty-municipal jail or workhouse, community-based 350
correctional facility, halfway house, alternative residential 351
facility, or other local or state correctional institution or 352
detention facility within the state, or that person's designee, in 353
a conspicuous location at that facility under that person's 354
charge; 355

(5) The board of trustees of a regional airport authority, 356
chief administrative officer of an airport facility, or other 357
person in charge of an airport facility in a conspicuous location 358
at each airport facility under that person's control; 359

(6) The officer or officer's designee who has charge of a 360
courthouse or the building or structure in which a courtroom is 361

located in a conspicuous location in that building or structure; 362

(7) The superintendent of the bureau of criminal 363
identification and investigation or the superintendent's designee 364
in a conspicuous location in all premises controlled by that 365
bureau; 366

(8) The owner, administrator, or operator of a child day-care 367
center, a type A family day-care home, a type B family day-care 368
home, or a type C family day-care home; 369

(9) The officer of this state or of the political subdivision 370
of this state, or the officer's designee, who has charge of a 371
building that is owned by this state or the political subdivision 372
of this state, or who has charge of the portion of a building that 373
is not owned by any governmental entity listed in this division 374
but that is leased by a governmental entity listed in this 375
division; 376

(10) The officer of a political subdivision of this state, or 377
the officer's designee, who has charge of a park, swimming pool, 378
sports field, or other outdoor premises or property that is owned, 379
leased, or otherwise under the control of the political 380
subdivision and that the political subdivision has designated 381
pursuant to division (E) of section 2923.126 of the Revised Code 382
as a place where the carrying of a concealed handgun is 383
prohibited. 384

(B) The following boards, bodies, and persons, or designees, 385
shall post in the following locations a sign that contains a 386
statement in substantially the following form: "Unless otherwise 387
authorized by law, pursuant to Ohio Revised Code section 2923.122, 388
no person shall knowingly possess, have under the person's 389
control, convey, or attempt to convey a deadly weapon or dangerous 390
ordnance into a school safety zone.": 391

(1) A board of education of a city, local, exempted village, 392

or joint vocational school district or that board's designee in a 393
conspicuous location in each building and on each parcel of real 394
property owned or controlled by the board; 395

(2) A governing body of a school for which the state board of 396
education prescribes minimum standards under section 3301.07 of 397
the Revised Code or that body's designee in a conspicuous location 398
in each building and on each parcel of real property owned or 399
controlled by the school; 400

(3) The principal or chief administrative officer of a 401
nonpublic school in a conspicuous location on property owned or 402
controlled by that nonpublic school. 403

Section 2. That existing sections 2923.122, 2923.124, 404
2923.126, and 2923.1212 of the Revised Code are hereby repealed. 405