

As Introduced

**130th General Assembly
Regular Session
2013-2014**

H. B. No. 454

Representative Gonzales

Cosponsors: Representatives Hill, Pillich, Stebelton

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A B I L L

To amend section 2923.122 of the Revised Code to 1
expand and clarify the authority of a concealed 2
handgun licensee to possess a handgun in a school 3
safety zone. 4

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

Section 1. That section 2923.122 of the Revised Code be 5
amended to read as follows: 6

Sec. 2923.122. (A) No person shall knowingly convey, or 7
attempt to convey, a deadly weapon or dangerous ordnance into a 8
school safety zone. 9

(B) No person shall knowingly possess a deadly weapon or 10
dangerous ordnance in a school safety zone. 11

(C) No person shall knowingly possess an object in a school 12
safety zone if both of the following apply: 13

(1) The object is indistinguishable from a firearm, whether 14
or not the object is capable of being fired. 15

(2) The person indicates that the person possesses the object 16
and that it is a firearm, or the person knowingly displays or 17
brandishes the object and indicates that it is a firearm. 18

(D)(1) This section does not apply to any of the following: 19

(a) An officer, agent, or employee of this or any other state 20
or the United States, or a law enforcement officer, who is 21
authorized to carry deadly weapons or dangerous ordnance and is 22
acting within the scope of the officer's, agent's, or employee's 23
duties, a security officer employed by a board of education or 24
governing body of a school during the time that the security 25
officer is on duty pursuant to that contract of employment, or any 26
other person who has written authorization from the board of 27
education or governing body of a school to convey deadly weapons 28
or dangerous ordnance into a school safety zone or to possess a 29
deadly weapon or dangerous ordnance in a school safety zone and 30
who conveys or possesses the deadly weapon or dangerous ordnance 31
in accordance with that authorization; 32

(b) Any person who is employed in this state, who is 33
authorized to carry deadly weapons or dangerous ordnance, and who 34
is subject to and in compliance with the requirements of section 35
109.801 of the Revised Code, unless the appointing authority of 36
the person has expressly specified that the exemption provided in 37
division (D)(1)(b) of this section does not apply to the person. 38

(2) Division (C) of this section does not apply to premises 39
upon which home schooling is conducted. Division (C) of this 40
section also does not apply to a school administrator, teacher, or 41
employee who possesses an object that is indistinguishable from a 42
firearm for legitimate school purposes during the course of 43
employment, a student who uses an object that is indistinguishable 44
from a firearm under the direction of a school administrator, 45
teacher, or employee, or any other person who with the express 46
prior approval of a school administrator possesses an object that 47
is indistinguishable from a firearm for a legitimate purpose, 48
including the use of the object in a ceremonial activity, a play, 49
reenactment, or other dramatic presentation, or a ROTC activity or 50

another similar use of the object. 51

(3) This section does not apply to a person who conveys or 52
attempts to convey a handgun into, or possesses a handgun in, a 53
school safety zone if, at the time of that conveyance, attempted 54
conveyance, or possession of the handgun, ~~all of the following~~ 55
~~apply:~~ 56

~~(a) The person does not enter into a school building or onto 57
school premises and is not at a school activity. 58~~

~~(b) The person is carrying a valid concealed handgun license- 59
and either of the following applies: 60~~

~~(c)(a) 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) of section 2923.126 of the 64
Revised Code. 65~~

~~(4) This section does not apply to a person who conveys or 66
attempts to convey a handgun into, or possesses a handgun in, a 67
school safety zone if at the time of that conveyance, attempted 68
conveyance, or possession of the handgun all of the following 69
apply: 70~~

~~(a) The person is carrying a valid concealed handgun license. 71~~

(b) All of the following apply: 72

(i) The person is the driver or passenger in of a motor 73
vehicle and is in the school safety zone while immediately in the 74
process of picking up or dropping off a child any person, 75
document, or item. 76

~~(c) The person is not in violation of section 2923.16 of the 77
Revised Code (ii) The handgun does not leave the motor vehicle. 78~~

(iii) If the person exits the motor vehicle and intends to 79
enter into a school building, onto school premises, or into a 80

school activity in the school safety zone, the person locks the 81
motor vehicle in which the handgun is located. 82

(E)(1) Whoever violates division (A) or (B) of this section 83
is guilty of illegal conveyance or possession of a deadly weapon 84
or dangerous ordnance in a school safety zone. Except as otherwise 85
provided in this division, illegal conveyance or possession of a 86
deadly weapon or dangerous ordnance in a school safety zone is a 87
felony of the fifth degree. If the offender previously has been 88
convicted of a violation of this section, illegal conveyance or 89
possession of a deadly weapon or dangerous ordnance in a school 90
safety zone is a felony of the fourth degree. 91

(2) Whoever violates division (C) of this section is guilty 92
of illegal possession of an object indistinguishable from a 93
firearm in a school safety zone. Except as otherwise provided in 94
this division, illegal possession of an object indistinguishable 95
from a firearm in a school safety zone is a misdemeanor of the 96
first degree. If the offender previously has been convicted of a 97
violation of this section, illegal possession of an object 98
indistinguishable from a firearm in a school safety zone is a 99
felony of the fifth degree. 100

(F)(1) In addition to any other penalty imposed upon a person 101
who is convicted of or pleads guilty to a violation of this 102
section and subject to division (F)(2) of this section, if the 103
offender has not attained nineteen years of age, regardless of 104
whether the offender is attending or is enrolled in a school 105
operated by a board of education or for which the state board of 106
education prescribes minimum standards under section 3301.07 of 107
the Revised Code, the court shall impose upon the offender a class 108
four suspension of the offender's probationary driver's license, 109
restricted license, driver's license, commercial driver's license, 110
temporary instruction permit, or probationary commercial driver's 111
license that then is in effect from the range specified in 112

division (A)(4) of section 4510.02 of the Revised Code and shall 113
deny the offender the issuance of any permit or license of that 114
type during the period of the suspension. 115

If the offender is not a resident of this state, the court 116
shall impose a class four suspension of the nonresident operating 117
privilege of the offender from the range specified in division 118
(A)(4) of section 4510.02 of the Revised Code. 119

(2) If the offender shows good cause why the court should not 120
suspend one of the types of licenses, permits, or privileges 121
specified in division (F)(1) of this section or deny the issuance 122
of one of the temporary instruction permits specified in that 123
division, the court in its discretion may choose not to impose the 124
suspension, revocation, or denial required in that division, but 125
the court, in its discretion, instead may require the offender to 126
perform community service for a number of hours determined by the 127
court. 128

(G) As used in this section, "object that is 129
indistinguishable from a firearm" means an object made, 130
constructed, or altered so that, to a reasonable person without 131
specialized training in firearms, the object appears to be a 132
firearm. 133

Section 2. That existing section 2923.122 of the Revised Code 134
is hereby repealed. 135

Section 3. Section 2923.122 of the Revised Code is presented 136
in this act as a composite of the section as amended by both Am. 137
Sub. H.B. 495 and Am. Sub. S.B. 337 of the 129th General Assembly. 138
The General Assembly, applying the principle stated in division 139
(B) of section 1.52 of the Revised Code that amendments are to be 140
harmonized if reasonably capable of simultaneous operation, finds 141
that the composite is the resulting version of the section in 142
effect prior to the effective date of the section as presented in 143

this act.

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