

**As Reported by the House Education Committee**

**130th General Assembly**

**Regular Session**

**2013-2014**

**Am. H. B. No. 454**

**Representative Gonzales**

**Cosponsors: Representatives Hill, Pillich, Stebelton, Smith, Brenner**

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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~~

~~(c) The person is in the school safety zone in accordance 60  
with 18 U.S.C. 922(q)(2)(B). 61~~

~~(d) The person is not knowingly in a place described in 62  
division (B)(1) or (B)(3) to (10) of section 2923.126 of the 63  
Revised Code. 64~~

~~(4) This section does not apply to a person who conveys or 65  
attempts to convey a handgun into, or possesses a handgun in, a 66  
school safety zone if at the time of that conveyance, attempted 67  
conveyance, or possession of the handgun all of the following 68  
apply: 69~~

(a) The person is carrying a valid concealed handgun license. 70

(b) The person is the driver or passenger ~~in~~ of a motor 71  
vehicle and is in the school safety zone while immediately in the 72  
process of picking up or dropping off ~~a child~~ any person, 73  
document, or item. 74

~~(c) The person is not in violation of section 2923.16 of the 75  
Revised Code The handgun does not leave the motor vehicle. 76~~

~~(d) If the person exits the motor vehicle, the person locks 77  
the motor vehicle. 78~~

(E)(1) Whoever violates division (A) or (B) of this section 79  
is guilty of illegal conveyance or possession of a deadly weapon 80

or dangerous ordnance in a school safety zone. Except as otherwise 81  
provided in this division, illegal conveyance or possession of a 82  
deadly weapon or dangerous ordnance in a school safety zone is a 83  
felony of the fifth degree. If the offender previously has been 84  
convicted of a violation of this section, illegal conveyance or 85  
possession of a deadly weapon or dangerous ordnance in a school 86  
safety zone is a felony of the fourth degree. 87

(2) Whoever violates division (C) of this section is guilty 88  
of illegal possession of an object indistinguishable from a 89  
firearm in a school safety zone. Except as otherwise provided in 90  
this division, illegal possession of an object indistinguishable 91  
from a firearm in a school safety zone is a misdemeanor of the 92  
first degree. If the offender previously has been convicted of a 93  
violation of this section, illegal possession of an object 94  
indistinguishable from a firearm in a school safety zone is a 95  
felony of the fifth degree. 96

(F)(1) In addition to any other penalty imposed upon a person 97  
who is convicted of or pleads guilty to a violation of this 98  
section and subject to division (F)(2) of this section, if the 99  
offender has not attained nineteen years of age, regardless of 100  
whether the offender is attending or is enrolled in a school 101  
operated by a board of education or for which the state board of 102  
education prescribes minimum standards under section 3301.07 of 103  
the Revised Code, the court shall impose upon the offender a class 104  
four suspension of the offender's probationary driver's license, 105  
restricted license, driver's license, commercial driver's license, 106  
temporary instruction permit, or probationary commercial driver's 107  
license that then is in effect from the range specified in 108  
division (A)(4) of section 4510.02 of the Revised Code and shall 109  
deny the offender the issuance of any permit or license of that 110  
type during the period of the suspension. 111

If the offender is not a resident of this state, the court 112

shall impose a class four suspension of the nonresident operating 113  
privilege of the offender from the range specified in division 114  
(A)(4) of section 4510.02 of the Revised Code. 115

(2) If the offender shows good cause why the court should not 116  
suspend one of the types of licenses, permits, or privileges 117  
specified in division (F)(1) of this section or deny the issuance 118  
of one of the temporary instruction permits specified in that 119  
division, the court in its discretion may choose not to impose the 120  
suspension, revocation, or denial required in that division, but 121  
the court, in its discretion, instead may require the offender to 122  
perform community service for a number of hours determined by the 123  
court. 124

(G) As used in this section, "object that is 125  
indistinguishable from a firearm" means an object made, 126  
constructed, or altered so that, to a reasonable person without 127  
specialized training in firearms, the object appears to be a 128  
firearm. 129

**Section 2.** That existing section 2923.122 of the Revised Code 130  
is hereby repealed. 131

**Section 3.** Section 2923.122 of the Revised Code is presented 132  
in this act as a composite of the section as amended by both Am. 133  
Sub. H.B. 495 and Am. Sub. S.B. 337 of the 129th General Assembly. 134  
The General Assembly, applying the principle stated in division 135  
(B) of section 1.52 of the Revised Code that amendments are to be 136  
harmonized if reasonably capable of simultaneous operation, finds 137  
that the composite is the resulting version of the section in 138  
effect prior to the effective date of the section as presented in 139  
this act. 140