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Representatives Roegner, Kunze

**Cosponsors: Representatives Brenner, Amstutz, Beck, Bishoff, Blair, Boose,
Brown, Buchy, Burkley, Conditt, Green, Hagan, C., Hayes, Hood, Hottinger,
Johnson, Landis, Lynch, Maag, Perales, Retherford, Rosenberger, Smith,
Stebelton, Thompson, Wachtmann Speaker Batchelder**

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A B I L L

To amend sections 109.78, 121.22, 149.433, 2923.122, 1
3313.536, and 4117.08 and to enact sections 2
3313.94, 3314.43, and 3326.28 of the Revised Code 3
to authorize off-duty peace officers to possess 4
deadly weapons or dangerous ordnance in a school 5
safety zone, to authorize a board of education or 6
governing body of any school to designate 7
employees who may carry concealed handguns in a 8
school safety zone, to generally prohibit the 9
disclosure of the names of the designated 10
employees, to exclude from collective bargaining 11
the development and implementation of a protocol 12
to designate the employees, and to generally 13
provide immunity from civil liability to a board 14
of education or governing authority of any school 15
and to a designated employee of any such school 16
for injury, death, or loss arising from the 17
employee's possession or use of a handgun in a 18
school safety zone. 19

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

Section 1. That sections 109.78, 121.22, 149.433, 2923.122, 20
3313.536, and 4117.08 be amended and sections 3313.94, 3314.43, 21
and 3326.28 of the Revised Code be enacted to read as follows: 22

Sec. 109.78. (A) The executive director of the Ohio peace 23
officer training commission, on behalf of the commission and in 24
accordance with rules promulgated by the attorney general, shall 25
certify persons who have satisfactorily completed approved 26
training programs designed to qualify persons for positions as 27
special police, security guards, or persons otherwise privately 28
employed in a police capacity and issue appropriate certificates 29
to such persons. Application for approval of a training program 30
designed to qualify persons for such positions shall be made to 31
the commission. An application for approval shall be submitted to 32
the commission with a fee of one hundred twenty-five dollars, 33
which fee shall be refunded if the application is denied. Such 34
programs shall cover only duties and jurisdiction of such security 35
guards and special police privately employed in a police capacity 36
when such officers do not qualify for training under section 37
109.71 of the Revised Code. A person attending an approved basic 38
training program administered by the state shall pay to the agency 39
administering the program the cost of the person's participation 40
in the program as determined by the agency. A person attending an 41
approved basic training program administered by a county or 42
municipal corporation shall pay the cost of the person's 43
participation in the program, as determined by the administering 44
subdivision, to the county or the municipal corporation. A person 45
who is issued a certificate for satisfactory completion of an 46
approved basic training program shall pay to the commission a fee 47
of fifteen dollars. A duplicate of a lost, spoliated, or destroyed 48

certificate may be issued upon application and payment of a fee of 49
fifteen dollars. Such certificate or the completion of twenty 50
years of active duty as a peace officer shall satisfy the 51
educational requirements for appointment or commission as a 52
special police officer or special deputy of a political 53
subdivision of this state. 54

(B)(1) The executive director of the Ohio peace officer 55
training commission, on behalf of the commission and in accordance 56
with rules promulgated by the attorney general, shall certify 57
basic firearms training programs, and shall issue certificates to 58
class A, B, or C licensees or prospective class A, B, or C 59
licensees under Chapter 4749. of the Revised Code and to 60
registered or prospective employees of such class A, B, or C 61
licensees who have satisfactorily completed a basic firearms 62
training program of the type described in division (A)(1) of 63
section 4749.10 of the Revised Code. 64

Application for approval of a basic firearms training program 65
shall be made to the commission. An application shall be submitted 66
to the commission with a fee of one hundred dollars, which fee 67
shall be refunded if the application is denied. 68

A person who is issued a certificate for satisfactory 69
completion of an approved basic firearms training program shall 70
pay a fee of ten dollars to the commission. A duplicate of a lost, 71
spoliated, or destroyed certificate may be issued upon application 72
and payment of a fee of five dollars. 73

(2) The executive director, on behalf of the commission and 74
in accordance with rules promulgated by the attorney general, also 75
shall certify firearms requalification training programs and 76
instructors for the annual requalification of class A, B, or C 77
licensees under Chapter 4749. of the Revised Code and registered 78
or prospective employees of such class A, B, or C licensees who 79
are authorized to carry a firearm under section 4749.10 of the 80

Revised Code. Application for approval of a training program or 81
instructor for such purpose shall be made to the commission. Such 82
an application shall be submitted to the commission with a fee of 83
fifty dollars, which fee shall be refunded if the application is 84
denied. 85

(3) The executive director, upon request, also shall review 86
firearms training received within three years prior to November 87
23, 1985, by any class A, B, or C licensee or prospective class A, 88
B, or C licensee, or by any registered or prospective employee of 89
any class A, B, or C licensee under Chapter 4749. of the Revised 90
Code to determine if the training received is equivalent to a 91
basic firearms training program that includes twenty hours of 92
handgun training and five hours of training in the use of other 93
firearms, if any other firearm is to be used. If the executive 94
director determines the training was received within the 95
three-year period and that it is equivalent to such a program, the 96
executive director shall issue written evidence of approval of the 97
equivalency training to the licensee or employee. 98

(C) There is hereby established in the state treasury the 99
peace officer private security fund, which shall be used by the 100
Ohio peace officer training commission to administer the training 101
program to qualify persons for positions as special police, 102
security guards, or other private employment in a police capacity, 103
as described in division (A) of this section, and the training 104
program in basic firearms and the training program for firearms 105
requalification, both as described in division (B) of this 106
section. All fees paid to the commission by applicants for 107
approval of a training program designed to qualify persons for 108
such private police positions, basic firearms training program, or 109
a firearms requalification training program or instructor, as 110
required by division (A) or (B) of this section, by persons who 111
satisfactorily complete a private police training program or a 112

basic firearms training program, as required by division (A) or 113
(B) of this section, or by persons who satisfactorily requalify in 114
firearms use, as required by division (B)(2) of section 4749.10 of 115
the Revised Code, shall be transmitted to the treasurer of state 116
for deposit in the fund. The fund shall be used only for the 117
purpose set forth in this division. 118

(D) No public or private educational institution or 119
superintendent of the state highway patrol shall employ a person 120
as a special police officer, security guard, or other position in 121
which such person goes armed while on duty, who has not received a 122
certificate of having satisfactorily completed an approved basic 123
peace officer training program, unless the person has completed 124
twenty years of active duty as a peace officer. This division does 125
not apply to a person authorized to carry a concealed handgun 126
under a school safety plan adopted pursuant to section 3313.536 of 127
the Revised Code. 128

Sec. 121.22. (A) This section shall be liberally construed to 129
require public officials to take official action and to conduct 130
all deliberations upon official business only in open meetings 131
unless the subject matter is specifically excepted by law. 132

(B) As used in this section: 133

(1) "Public body" means any of the following: 134

(a) Any board, commission, committee, council, or similar 135
decision-making body of a state agency, institution, or authority, 136
and any legislative authority or board, commission, committee, 137
council, agency, authority, or similar decision-making body of any 138
county, township, municipal corporation, school district, or other 139
political subdivision or local public institution; 140

(b) Any committee or subcommittee of a body described in 141
division (B)(1)(a) of this section; 142

(c) A court of jurisdiction of a sanitary district organized 143
wholly for the purpose of providing a water supply for domestic, 144
municipal, and public use when meeting for the purpose of the 145
appointment, removal, or reappointment of a member of the board of 146
directors of such a district pursuant to section 6115.10 of the 147
Revised Code, if applicable, or for any other matter related to 148
such a district other than litigation involving the district. As 149
used in division (B)(1)(c) of this section, "court of 150
jurisdiction" has the same meaning as "court" in section 6115.01 151
of the Revised Code. 152

(2) "Meeting" means any prearranged discussion of the public 153
business of the public body by a majority of its members. 154

(3) "Regulated individual" means either of the following: 155

(a) A student in a state or local public educational 156
institution; 157

(b) A person who is, voluntarily or involuntarily, an inmate, 158
patient, or resident of a state or local institution because of 159
criminal behavior, mental illness or retardation, disease, 160
disability, age, or other condition requiring custodial care. 161

(4) "Public office" has the same meaning as in section 162
149.011 of the Revised Code. 163

(C) All meetings of any public body are declared to be public 164
meetings open to the public at all times. A member of a public 165
body shall be present in person at a meeting open to the public to 166
be considered present or to vote at the meeting and for purposes 167
of determining whether a quorum is present at the meeting. 168

The minutes of a regular or special meeting of any public 169
body shall be promptly prepared, filed, and maintained and shall 170
be open to public inspection. The minutes need only reflect the 171
general subject matter of discussions in executive sessions 172
authorized under division (G) or (J) of this section. 173

(D) This section does not apply to any of the following:	174
(1) A grand jury;	175
(2) An audit conference conducted by the auditor of state or independent certified public accountants with officials of the public office that is the subject of the audit;	176 177 178
(3) The adult parole authority when its hearings are conducted at a correctional institution for the sole purpose of interviewing inmates to determine parole or pardon;	179 180 181
(4) The organized crime investigations commission established under section 177.01 of the Revised Code;	182 183
(5) Meetings of a child fatality review board established under section 307.621 of the Revised Code and meetings conducted pursuant to sections 5153.171 to 5153.173 of the Revised Code;	184 185 186
(6) The state medical board when determining whether to suspend a certificate without a prior hearing pursuant to division (G) of either section 4730.25 or 4731.22 of the Revised Code;	187 188 189
(7) The board of nursing when determining whether to suspend a license or certificate without a prior hearing pursuant to division (B) of section 4723.281 of the Revised Code;	190 191 192
(8) The state board of pharmacy when determining whether to suspend a license without a prior hearing pursuant to division (D) of section 4729.16 of the Revised Code;	193 194 195
(9) The state chiropractic board when determining whether to suspend a license without a hearing pursuant to section 4734.37 of the Revised Code;	196 197 198
(10) The executive committee of the emergency response commission when determining whether to issue an enforcement order or request that a civil action, civil penalty action, or criminal action be brought to enforce Chapter 3750. of the Revised Code;	199 200 201 202
(11) The board of directors of the nonprofit corporation	203

formed under section 187.01 of the Revised Code or any committee 204
thereof, and the board of directors of any subsidiary of that 205
corporation or a committee thereof; 206

(12) An audit conference conducted by the audit staff of the 207
department of job and family services with officials of the public 208
office that is the subject of that audit under section 5101.37 of 209
the Revised Code. 210

(E) The controlling board, the industrial technology and 211
enterprise advisory council, the tax credit authority, or the 212
minority development financing advisory board, when meeting to 213
consider granting assistance pursuant to Chapter 122. or 166. of 214
the Revised Code, in order to protect the interest of the 215
applicant or the possible investment of public funds, by unanimous 216
vote of all board, council, or authority members present, may 217
close the meeting during consideration of the following 218
information confidentially received by the authority, council, or 219
board from the applicant: 220

(1) Marketing plans; 221

(2) Specific business strategy; 222

(3) Production techniques and trade secrets; 223

(4) Financial projections; 224

(5) Personal financial statements of the applicant or members 225
of the applicant's immediate family, including, but not limited 226
to, tax records or other similar information not open to public 227
inspection. 228

The vote by the authority, council, or board to accept or 229
reject the application, as well as all proceedings of the 230
authority, council, or board not subject to this division, shall 231
be open to the public and governed by this section. 232

(F) Every public body, by rule, shall establish a reasonable 233

method whereby any person may determine the time and place of all 234
regularly scheduled meetings and the time, place, and purpose of 235
all special meetings. A public body shall not hold a special 236
meeting unless it gives at least twenty-four hours' advance notice 237
to the news media that have requested notification, except in the 238
event of an emergency requiring immediate official action. In the 239
event of an emergency, the member or members calling the meeting 240
shall notify the news media that have requested notification 241
immediately of the time, place, and purpose of the meeting. 242

The rule shall provide that any person, upon request and 243
payment of a reasonable fee, may obtain reasonable advance 244
notification of all meetings at which any specific type of public 245
business is to be discussed. Provisions for advance notification 246
may include, but are not limited to, mailing the agenda of 247
meetings to all subscribers on a mailing list or mailing notices 248
in self-addressed, stamped envelopes provided by the person. 249

(G) Except as provided in division (J) of this section, the 250
members of a public body may hold an executive session only after 251
a majority of a quorum of the public body determines, by a roll 252
call vote, to hold an executive session and only at a regular or 253
special meeting for the sole purpose of the consideration of any 254
of the following matters: 255

(1) To consider the appointment, employment, dismissal, 256
discipline, promotion, demotion, or compensation of a public 257
employee or official, or the investigation of charges or 258
complaints against a public employee, official, licensee, or 259
regulated individual, unless the public employee, official, 260
licensee, or regulated individual requests a public hearing. 261
Except as otherwise provided by law, no public body shall hold an 262
executive session for the discipline of an elected official for 263
conduct related to the performance of the elected official's 264
official duties or for the elected official's removal from office. 265

If a public body holds an executive session pursuant to division 266
(G)(1) of this section, the motion and vote to hold that executive 267
session shall state which one or more of the approved purposes 268
listed in division (G)(1) of this section are the purposes for 269
which the executive session is to be held, but need not include 270
the name of any person to be considered at the meeting. 271

(2) To consider the purchase of property for public purposes, 272
or for the sale of property at competitive bidding, if premature 273
disclosure of information would give an unfair competitive or 274
bargaining advantage to a person whose personal, private interest 275
is adverse to the general public interest. No member of a public 276
body shall use division (G)(2) of this section as a subterfuge for 277
providing covert information to prospective buyers or sellers. A 278
purchase or sale of public property is void if the seller or buyer 279
of the public property has received covert information from a 280
member of a public body that has not been disclosed to the general 281
public in sufficient time for other prospective buyers and sellers 282
to prepare and submit offers. 283

If the minutes of the public body show that all meetings and 284
deliberations of the public body have been conducted in compliance 285
with this section, any instrument executed by the public body 286
purporting to convey, lease, or otherwise dispose of any right, 287
title, or interest in any public property shall be conclusively 288
presumed to have been executed in compliance with this section 289
insofar as title or other interest of any bona fide purchasers, 290
lessees, or transferees of the property is concerned. 291

(3) Conferences with an attorney for the public body 292
concerning disputes involving the public body that are the subject 293
of pending or imminent court action; 294

(4) Preparing for, conducting, or reviewing negotiations or 295
bargaining sessions with public employees concerning their 296
compensation or other terms and conditions of their employment; 297

(5) Matters required to be kept confidential by federal law	298
or regulations or state statutes;	299
(6) Details relative to the security arrangements and	300
emergency response protocols for a public body or a public office,	301
if disclosure of the matters discussed could reasonably be	302
expected to jeopardize the security of the public body or public	303
office;	304
(7) In the case of a county hospital operated pursuant to	305
Chapter 339. of the Revised Code, a joint township hospital	306
operated pursuant to Chapter 513. of the Revised Code, or a	307
municipal hospital operated pursuant to Chapter 749. of the	308
Revised Code, to consider trade secrets, as defined in section	309
1333.61 of the Revised Code;	310
<u>(8) In the case of a board of education of a school district</u>	311
<u>or governing authority of a chartered nonpublic school, community</u>	312
<u>school, or STEM school that incorporates into a school safety plan</u>	313
<u>a protocol for the designation of specific employees who may carry</u>	314
<u>concealed handguns in school safety zones, to designate an</u>	315
<u>employee who may carry concealed handguns in school safety zones</u>	316
<u>or to revoke that designation.</u>	317
If a public body holds an executive session to consider any	318
of the matters listed in divisions (G)(2) to (7) of this section,	319
the motion and vote to hold that executive session shall state	320
which one or more of the approved matters listed in those	321
divisions are to be considered at the executive session.	322
A public body specified in division (B)(1)(c) of this section	323
shall not hold an executive session when meeting for the purposes	324
specified in that division.	325
(H) A resolution, rule, or formal action of any kind is	326
invalid unless adopted in an open meeting of the public body. A	327
resolution, rule, or formal action adopted in an open meeting that	328

results from deliberations in a meeting not open to the public is 329
invalid unless the deliberations were for a purpose specifically 330
authorized in division (G) or (J) of this section and conducted at 331
an executive session held in compliance with this section. A 332
resolution, rule, or formal action adopted in an open meeting is 333
invalid if the public body that adopted the resolution, rule, or 334
formal action violated division (F) of this section. 335

(I)(1) Any person may bring an action to enforce this 336
section. An action under division (I)(1) of this section shall be 337
brought within two years after the date of the alleged violation 338
or threatened violation. Upon proof of a violation or threatened 339
violation of this section in an action brought by any person, the 340
court of common pleas shall issue an injunction to compel the 341
members of the public body to comply with its provisions. 342

(2)(a) If the court of common pleas issues an injunction 343
pursuant to division (I)(1) of this section, the court shall order 344
the public body that it enjoins to pay a civil forfeiture of five 345
hundred dollars to the party that sought the injunction and shall 346
award to that party all court costs and, subject to reduction as 347
described in division (I)(2) of this section, reasonable 348
attorney's fees. The court, in its discretion, may reduce an award 349
of attorney's fees to the party that sought the injunction or not 350
award attorney's fees to that party if the court determines both 351
of the following: 352

(i) That, based on the ordinary application of statutory law 353
and case law as it existed at the time of violation or threatened 354
violation that was the basis of the injunction, a well-informed 355
public body reasonably would believe that the public body was not 356
violating or threatening to violate this section; 357

(ii) That a well-informed public body reasonably would 358
believe that the conduct or threatened conduct that was the basis 359
of the injunction would serve the public policy that underlies the 360

authority that is asserted as permitting that conduct or 361
threatened conduct. 362

(b) If the court of common pleas does not issue an injunction 363
pursuant to division (I)(1) of this section and the court 364
determines at that time that the bringing of the action was 365
frivolous conduct, as defined in division (A) of section 2323.51 366
of the Revised Code, the court shall award to the public body all 367
court costs and reasonable attorney's fees, as determined by the 368
court. 369

(3) Irreparable harm and prejudice to the party that sought 370
the injunction shall be conclusively and irrebuttably presumed 371
upon proof of a violation or threatened violation of this section. 372

(4) A member of a public body who knowingly violates an 373
injunction issued pursuant to division (I)(1) of this section may 374
be removed from office by an action brought in the court of common 375
pleas for that purpose by the prosecuting attorney or the attorney 376
general. 377

(J)(1) Pursuant to division (C) of section 5901.09 of the 378
Revised Code, a veterans service commission shall hold an 379
executive session for one or more of the following purposes unless 380
an applicant requests a public hearing: 381

(a) Interviewing an applicant for financial assistance under 382
sections 5901.01 to 5901.15 of the Revised Code; 383

(b) Discussing applications, statements, and other documents 384
described in division (B) of section 5901.09 of the Revised Code; 385

(c) Reviewing matters relating to an applicant's request for 386
financial assistance under sections 5901.01 to 5901.15 of the 387
Revised Code. 388

(2) A veterans service commission shall not exclude an 389
applicant for, recipient of, or former recipient of financial 390

assistance under sections 5901.01 to 5901.15 of the Revised Code, 391
and shall not exclude representatives selected by the applicant, 392
recipient, or former recipient, from a meeting that the commission 393
conducts as an executive session that pertains to the applicant's, 394
recipient's, or former recipient's application for financial 395
assistance. 396

(3) A veterans service commission shall vote on the grant or 397
denial of financial assistance under sections 5901.01 to 5901.15 398
of the Revised Code only in an open meeting of the commission. The 399
minutes of the meeting shall indicate the name, address, and 400
occupation of the applicant, whether the assistance was granted or 401
denied, the amount of the assistance if assistance is granted, and 402
the votes for and against the granting of assistance. 403

Sec. 149.433. (A) As used in this section: 404

(1) "Act of terrorism" has the same meaning as in section 405
2909.21 of the Revised Code. 406

(2) "Infrastructure record" means any record that discloses 407
the configuration of a public office's or chartered nonpublic 408
school's critical systems including, but not limited to, 409
communication, computer, electrical, mechanical, ventilation, 410
water, and plumbing systems, security codes, or the infrastructure 411
or structural configuration of the building in which a public 412
office or chartered nonpublic school is located. "Infrastructure 413
record" does not mean a simple floor plan that discloses only the 414
spatial relationship of components of a public office or chartered 415
nonpublic school or the building in which a public office or 416
chartered nonpublic school is located. 417

(3) "Security record" means any of the following: 418

(a) Any record that contains information directly used for 419
protecting or maintaining the security of a public office against 420

attack, interference, or sabotage; 421

(b) Any record assembled, prepared, or maintained by a public 422
office or public body to prevent, mitigate, or respond to acts of 423
terrorism, including any of the following: 424

(i) Those portions of records containing specific and unique 425
vulnerability assessments or specific and unique response plans 426
either of which is intended to prevent or mitigate acts of 427
terrorism, and communication codes or deployment plans of law 428
enforcement or emergency response personnel; 429

(ii) Specific intelligence information and specific 430
investigative records shared by federal and international law 431
enforcement agencies with state and local law enforcement and 432
public safety agencies; 433

(iii) National security records classified under federal 434
executive order and not subject to public disclosure under federal 435
law that are shared by federal agencies, and other records related 436
to national security briefings to assist state and local 437
government with domestic preparedness for acts of terrorism. 438

(c) A school safety plan adopted pursuant to section 3313.536 439
of the Revised Code or record made pursuant to that section of a 440
designation or revocation of a designation of an employee 441
authorized to carry a concealed handgun in a school safety zone. 442

(B) A record kept by a public office that is a security 443
record or an infrastructure record is not a public record under 444
section 149.43 of the Revised Code and is not subject to mandatory 445
release or disclosure under that section. 446

(C) Notwithstanding any other section of the Revised Code, 447
disclosure by a public office, public employee, chartered 448
nonpublic school, or chartered nonpublic school employee of a 449
security record or infrastructure record that is necessary for 450
construction, renovation, or remodeling work on any public 451

building or project or chartered nonpublic school does not 452
constitute public disclosure for purposes of waiving division (B) 453
of this section and does not result in that record becoming a 454
public record for purposes of section 149.43 of the Revised Code. 455

Sec. 2923.122. (A) No person shall knowingly convey, or 456
attempt to convey, a deadly weapon or dangerous ordnance into a 457
school safety zone. 458

(B) No person shall knowingly possess a deadly weapon or 459
dangerous ordnance in a school safety zone. 460

(C) No person shall knowingly possess an object in a school 461
safety zone if both of the following apply: 462

(1) The object is indistinguishable from a firearm, whether 463
or not the object is capable of being fired. 464

(2) The person indicates that the person possesses the object 465
and that it is a firearm, or the person knowingly displays or 466
brandishes the object and indicates that it is a firearm. 467

(D)(1) This section does not apply to any of the following: 468

(a) An officer, agent, or employee of this or any other state 469
or the United States, or a law enforcement officer, who is 470
authorized to carry deadly weapons or dangerous ordnance and is 471
acting within the scope of the officer's, agent's, or employee's 472
duties, an off-duty peace officer, a security officer employed by 473
a board of education or governing body of a school during the time 474
that the security officer is on duty pursuant to that contract of 475
employment, or any other person who has written authorization from 476
the board of education or governing body of a school to convey 477
deadly weapons or dangerous ordnance into a school safety zone or 478
to possess a deadly weapon or dangerous ordnance in a school 479
safety zone and who conveys or possesses the deadly weapon or 480
dangerous ordnance in accordance with that authorization; 481

(b) Any person who is employed in this state, who is 482
authorized to carry deadly weapons or dangerous ordnance, and who 483
is subject to and in compliance with the requirements of section 484
109.801 of the Revised Code, unless the appointing authority of 485
the person has expressly specified that the exemption provided in 486
division (D)(1)(b) of this section does not apply to the person. 487

(2) Division (C) of this section does not apply to premises 488
upon which home schooling is conducted. Division (C) of this 489
section also does not apply to a school administrator, teacher, or 490
employee who possesses an object that is indistinguishable from a 491
firearm for legitimate school purposes during the course of 492
employment, a student who uses an object that is indistinguishable 493
from a firearm under the direction of a school administrator, 494
teacher, or employee, or any other person who with the express 495
prior approval of a school administrator possesses an object that 496
is indistinguishable from a firearm for a legitimate purpose, 497
including the use of the object in a ceremonial activity, a play, 498
reenactment, or other dramatic presentation, or a ROTC activity or 499
another similar use of the object. 500

(3) This section does not apply to a person who conveys or 501
attempts to convey a handgun into, or possesses a handgun in, a 502
school safety zone if, at the time of that conveyance, attempted 503
conveyance, or possession of the handgun, all of the following 504
apply: 505

(a) The person does not enter into a school building or onto 506
school premises and is not at a school activity. 507

(b) The person is carrying a valid concealed handgun license. 508

(c) The person is in the school safety zone in accordance 509
with 18 U.S.C. 922(q)(2)(B). 510

(d) The person is not knowingly in a place described in 511
division (B)(1) or (B)(3) to (10) of section 2923.126 of the 512

Revised Code.	513
(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:	514 515 516 517 518
(a) The person is carrying a valid concealed handgun license.	519
(b) The person is the driver or passenger in a motor vehicle and is in the school safety zone while immediately in the process of picking up or dropping off a child.	520 521 522
(c) The person is not in violation of section 2923.16 of the Revised Code.	523 524
(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.	525 526 527 528 529 530 531 532 533
(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.	534 535 536 537 538 539 540 541 542
(F)(1) In addition to any other penalty imposed upon a person	543

who is convicted of or pleads guilty to a violation of this 544
section and subject to division (F)(2) of this section, if the 545
offender has not attained nineteen years of age, regardless of 546
whether the offender is attending or is enrolled in a school 547
operated by a board of education or for which the state board of 548
education prescribes minimum standards under section 3301.07 of 549
the Revised Code, the court shall impose upon the offender a class 550
four suspension of the offender's probationary driver's license, 551
restricted license, driver's license, commercial driver's license, 552
temporary instruction permit, or probationary commercial driver's 553
license that then is in effect from the range specified in 554
division (A)(4) of section 4510.02 of the Revised Code and shall 555
deny the offender the issuance of any permit or license of that 556
type during the period of the suspension. 557

If the offender is not a resident of this state, the court 558
shall impose a class four suspension of the nonresident operating 559
privilege of the offender from the range specified in division 560
(A)(4) of section 4510.02 of the Revised Code. 561

(2) If the offender shows good cause why the court should not 562
suspend one of the types of licenses, permits, or privileges 563
specified in division (F)(1) of this section or deny the issuance 564
of one of the temporary instruction permits specified in that 565
division, the court in its discretion may choose not to impose the 566
suspension, revocation, or denial required in that division, but 567
the court, in its discretion, instead may require the offender to 568
perform community service for a number of hours determined by the 569
court. 570

(G) As used in this section, ~~"object:~~ 571

(1) "Object that is indistinguishable from a firearm" means 572
an object made, constructed, or altered so that, to a reasonable 573
person without specialized training in firearms, the object 574
appears to be a firearm. 575

(2) "Peace officer" means a sheriff, deputy sheriff, police constable of any township, police officer of a township or joint police district, marshal, deputy marshal, member of the organized police department of any municipal corporation, or state highway patrol trooper.

Sec. 3313.536. (A) The board of education of each city, exempted village, and local school district and the governing authority of each chartered nonpublic school shall adopt a comprehensive school safety plan for each school building under the board's or governing authority's control. The board or governing authority shall examine the environmental conditions and operations of each building to determine potential hazards to student and staff safety and shall propose operating changes to promote the prevention of potentially dangerous problems and circumstances. In developing the plan for each building, the board or governing authority shall involve community law enforcement and safety officials, parents of students who are assigned to the building, and teachers and nonteaching employees who are assigned to the building. The board or governing authority shall consider incorporating remediation strategies into the plan for any building where documented safety problems have occurred.

The board or governing authority shall incorporate into the plan both of the following:

(1) A protocol for addressing serious threats to the safety of school property, students, employees, or administrators;

(2) A protocol for responding to any emergency events that do occur and that compromise the safety of school property, students, employees, or administrators.

Each protocol shall include procedures deemed appropriate by the board or governing authority for responding to threats and emergency events, respectively, including such things as

notification of appropriate law enforcement personnel, calling 607
upon specified emergency response personnel for assistance, and 608
informing parents of affected students. Prior to the opening day 609
of each school year, the board or governing authority shall inform 610
each student enrolled in the school and the student's parent of 611
the parental notification procedures included in the protocol. 612

The board or governing authority may incorporate into the 613
plan a protocol for the designation of specific employees who may 614
carry concealed handguns in school safety zones that are under the 615
jurisdiction of the board or governing authority. The board or 616
governing body may develop the protocol in consultation with the 617
local law enforcement agency. The protocol shall state that a 618
designated employee may not carry a concealed handgun in a school 619
safety zone unless the employee has a valid license to carry a 620
concealed handgun issued under section 2923.125 of the Revised 621
Code and has completed any firearms training that may be required 622
by the protocol. The protocol may state that the board or 623
governing authority may designate or revoke the designation of 624
employees who may carry concealed handguns in school safety zones 625
in executive session and shall provide that the names of those 626
employees remain confidential. The board or governing authority 627
shall keep the names of designated employees in confidential 628
records and shall not include them in the plan, and no member of 629
the board or governing authority shall disclose the names to 630
anyone other than those employees, the local law enforcement 631
agency, the insurance company for the school, and any other 632
persons to whom disclosure is required by a court order. The board 633
or governing authority shall give an employee who is designated to 634
carry a concealed handgun or whose designation is revoked written 635
notice of the designation or revocation and shall provide a copy 636
of the notice to the local law enforcement agency and the 637
insurance company for the school. 638

A protocol adopted under this section shall require the board or governing authority to offer any employee authorized to carry a firearm who, during the course of the employee's employment, has been involved in an incident in which the employee's firearm was discharged the opportunity for a psychological assessment to ensure the individual's continued ability to carry a firearm in the course of that individual's employment. If the individual declines to undergo the psychological assessment, the board or governing authority may consider the individual's decision to decline that assessment in determining whether to revoke the individual's designation as an employee permitted to carry a concealed handgun in a school safety zone.

A protocol adopted under this section may not require an employee to carry a firearm in the course of the employee's employment.

As used in division (A) of this section, "local law enforcement agency" means the police department of the municipal corporation having jurisdiction over a school safety zone if the school safety zone is located within a municipal corporation or the sheriff of the county in which the school safety zone is located if the school safety zone is not located within a municipal corporation.

(B) The board or governing authority shall update the safety plan at least once every three years and whenever a major modification to the building requires changes in the procedures outlined in the plan.

(C) The board or governing authority shall file a copy of the current safety plan and building blueprint with each law enforcement agency that has jurisdiction over the school building and, upon request, the fire department that serves the political subdivision in which the school building is located. The board or governing authority also shall file a copy of the current safety

plan and a floor plan of the building, but not a building 671
blueprint, with the attorney general, who shall post that 672
information on the Ohio law enforcement gateway or its successor. 673

Copies of safety plans, building blueprints, and floor plans 674
shall be filed as described in this division not later than the 675
ninety-first day after March 30, 2007. If a board or governing 676
authority revises a safety plan, building blueprint, or floor plan 677
after the initial filing, the board or governing authority shall 678
file copies of the revised safety plan, building blueprint, or 679
floor plan in the manner described in this division not later than 680
the ninety-first day after the revision is adopted. 681

Copies of the safety plan and building blueprint are not a 682
public record pursuant to section 149.433 of the Revised Code. 683

Notwithstanding section 149.433 of the Revised Code, a 684
building floor plan filed with the attorney general pursuant to 685
this division is not a public record to the extent it is a record 686
kept by the attorney general. This paragraph does not affect the 687
status of a floor plan kept as a record by another public office. 688

The board or governing authority, each law enforcement agency 689
and fire department to which copies of the safety plan and 690
building blueprint are provided, and the attorney general shall 691
keep the copies in a secure place. 692

(D) The board or governing authority shall grant access to 693
each school building under its control to law enforcement 694
personnel to enable the personnel to hold training sessions for 695
responding to threats and emergency events affecting the building, 696
provided that the access occurs outside of student instructional 697
hours and an employee of the board or governing authority is 698
present in the building during the training sessions. 699

(E) The attorney general shall establish a model curriculum 700
for training an employee authorized to carry a firearm pursuant to 701

division (A) of this section. One component of the model 702
curriculum shall be active shooter training. The attorney 703
general's duty to establish a model curriculum under this division 704
shall be a public duty pursuant to division (E) of section 2743.01 705
of the Revised Code. The board or governing authority may utilize 706
the model curriculum in consultation with local law enforcement to 707
determine any additional training requirements for an employee 708
authorized to carry a firearm pursuant to division (A) of this 709
section. 710

Sec. 3313.94. A school district, member of a school district 711
board of education, chartered nonpublic school, governing 712
authority of a chartered nonpublic school, and an employee of a 713
school district or chartered nonpublic school who is authorized to 714
carry a concealed handgun in a school safety zone pursuant to a 715
school safety plan adopted under section 3313.536 of the Revised 716
Code are not liable in damages in a civil action for injury, 717
death, or loss to person or property allegedly arising from the 718
employee's possession or use of the handgun in the school safety 719
zone in compliance with the school safety plan unless the injury, 720
death, or loss resulted from the employee's reckless or wanton 721
conduct. 722

Sec. 3314.43. A community school, community school governing 723
authority, member of a community school governing authority, and 724
community school employee who is authorized to carry a concealed 725
handgun in a school safety zone pursuant to a school safety plan 726
adopted under section 3313.536 of the Revised Code are not liable 727
in damages in a civil action for injury, death, or loss to person 728
or property allegedly arising from the employee's possession or 729
use of the handgun in the school safety zone in compliance with 730
the school safety plan unless the injury, death, or loss resulted 731
from the employee's reckless or wanton conduct. 732

Sec. 3326.28. A STEM school, member of a STEM school 733
governing body, and STEM school employee who is authorized to 734
carry a concealed handgun in a school safety zone pursuant to a 735
school safety plan adopted under section 3313.536 of the Revised 736
Code are not liable in damages in a civil action for injury, 737
death, or loss to person or property allegedly arising from the 738
employee's possession or use of the handgun in the school safety 739
zone in compliance with the school safety plan unless the injury, 740
death, or loss resulted from the employee's reckless or wanton 741
conduct. 742

Sec. 4117.08. (A) All matters pertaining to wages, hours, or 743
terms and other conditions of employment and the continuation, 744
modification, or deletion of an existing provision of a collective 745
bargaining agreement are subject to collective bargaining between 746
the public employer and the exclusive representative, except as 747
otherwise specified in this section and division (E) of section 748
4117.03 of the Revised Code. 749

(B) The conduct and grading of civil service examinations, 750
the rating of candidates, the establishment of eligible lists from 751
the examinations, ~~and~~ the original appointments from the eligible 752
lists, and the development and implementation of a protocol for 753
the designation of school employees who may carry concealed 754
weapons in a school safety zone under section 3313.536 of the 755
Revised Code are not appropriate subjects for collective 756
bargaining. 757

(C) Unless a public employer agrees otherwise in a collective 758
bargaining agreement, nothing in Chapter 4117. of the Revised Code 759
impairs the right and responsibility of each public employer to: 760

(1) Determine matters of inherent managerial policy which 761
include, but are not limited to, areas of discretion or policy 762

such as the functions and programs of the public employer, 763
standards of services, its overall budget, utilization of 764
technology, and organizational structure; 765

(2) Direct, supervise, evaluate, or hire employees; 766

(3) Maintain and improve the efficiency and effectiveness of 767
governmental operations; 768

(4) Determine the overall methods, process, means, or 769
personnel by which governmental operations are to be conducted; 770

(5) Suspend, discipline, demote, or discharge for just cause, 771
or lay off, transfer, assign, schedule, promote, or retain 772
employees; 773

(6) Determine the adequacy of the work force; 774

(7) Determine the overall mission of the employer as a unit 775
of government; 776

(8) Effectively manage the work force; 777

(9) Take actions to carry out the mission of the public 778
employer as a governmental unit. 779

The employer is not required to bargain on subjects reserved 780
to the management and direction of the governmental unit except as 781
affect wages, hours, terms and conditions of employment, and the 782
continuation, modification, or deletion of an existing provision 783
of a collective bargaining agreement. A public employee or 784
exclusive representative may raise a legitimate complaint or file 785
a grievance based on the collective bargaining agreement. 786

Section 2. That existing sections 109.78, 121.22, 149.433, 787
2923.122, 3313.536, and 4117.08 of the Revised Code are hereby 788
repealed. 789

Section 3. Section 2923.122 of the Revised Code is presented 790
in this act as a composite of the section as amended by both Am. 791

Sub. H.B. 495 and Am. Sub. S.B. 337 of the 129th General Assembly. 792
The General Assembly, applying the principle stated in division 793
(B) of section 1.52 of the Revised Code that amendments are to be 794
harmonized if reasonably capable of simultaneous operation, finds 795
that the composite is the resulting version of the section in 796
effect prior to the effective date of the section as presented in 797
this act. 798