



Ohio Legislative Service Commission

Bill Analysis

Bethany Boyd

H.B. 236

130th General Assembly
(As Introduced)

Reps. Becker, Brenner, Maag, J. Adams, Thompson, Lynch, Beck

BILL SUMMARY

- Authorizes a government official who possesses a valid concealed handgun license to carry a concealed handgun into specified public facilities that are not "secure facilities," under certain circumstances.
- Limits the concealed carry restrictions that may be imposed by a private employer, or a private person or entity, who leases publicly owned premises, on a concealed handgun licensee who is a government official, unless the premises is a secure facility.
- Requires any posted signs that restrict the carrying of a deadly weapon or dangerous ordnance on premises that are not secure facilities to include a statement that the restriction does not apply to a government official who possesses a valid concealed handgun license and a concealed handgun.

CONTENT AND OPERATION

Places into which a government official who is a concealed handgun licensee may carry a concealed handgun

The Concealed Carry Law (R.C. 2923.124 to 2923.1213) provides for the issuance of standard licenses¹ or temporary emergency licenses² to carry a concealed handgun, and also authorizes the Attorney General to enter into reciprocity agreements with other states that issue licenses to carry a concealed handgun.³ Subject to specific

¹ R.C. 2923.125, not in the bill.

² R.C. 2923.1213, not in the bill.

³ R.C. 109.69, not in the bill.

restrictions on and to outright prohibitions against carrying concealed handguns in certain places (see "**Places into which a concealed carry licensee cannot carry a concealed handgun**," below), and to restrictions that may be imposed by an employer, private property owner, or private property lessee, a licensee who has been issued any one of these concealed handgun licenses may carry a concealed handgun anywhere in Ohio if the licensee carries a valid concealed handgun license and valid identification when the licensee is in actual possession of a concealed handgun.⁴

The bill allows any elected or appointed officer or employee of the state or any political subdivision of the state, which the bill calls a "government official,"⁵ who has been issued and is carrying a valid concealed handgun license to carry a concealed handgun into the following public places:

- ♦ A school safety zone, under certain circumstances described below in "**Government official's conveyance or possession of a handgun in a school safety zone**;"⁶

- ♦ A courthouse or another building or structure in which a courtroom is located, if the courthouse, building, or structure is *not* a "secure facility," under certain circumstances described below in "**Government official's conveyance or possession of a handgun in a courthouse or courtroom**;"⁷

- ♦ Any premises owned or leased by a public college, university, or other institution of higher education, and the premises is *not* a secure facility;⁸

- ♦ A child day-care center, type A family day-care home, or type B family day-care home that is operated by the government of this state or a political subdivision of this state and is *not* a secure facility;⁹

- ♦ Any building that is a government facility of this state or a political subdivision of this state and the facility is *not* a secure facility.¹⁰

⁴ R.C. 2923.126(A) and (D).

⁵ R.C. 2923.126(G)(4).

⁶ R.C. 2923.122 and 2923.126(B)(2).

⁷ R.C. 2923.123 and 2923.126(B)(3).

⁸ R.C. 2923.126(B)(5)(b).

⁹ R.C. 2923.126(B)(7)(b).

¹⁰ R.C. 2923.126(B)(9)(b).



Under continuing law, a "handgun" is any firearm that has a short stock and is designed to be held and fired by the use of a single hand or any combination of parts from which that firearm can be assembled.¹¹

Definition of "secure facility"

For purposes of the entire bill, a "secure facility" is a facility that is operated, or designed and operated, to ensure that all of its entrances and exits are locked or under the exclusive control of its staff and that no person may enter into the facility, unless one or more of the following apply with respect to the person entering:¹²

(1) The person has passed through or been scanned by a metal detection device or has been scanned by a metal detection wand.

(2) The facility is in a school safety zone, and the person is either:

(a) An officer, agent, or employee of this or any other state or the United States, or a law enforcement officer, who is authorized to carry deadly weapons or dangerous ordnance and is acting within the scope of the officer's, agent's, or employee's duties; a security officer employed by a school board during the time that the security officer is on duty pursuant to the officer's employment contract; or any other person who has written authorization from the school board to convey deadly weapons or dangerous ordnance into, or to possess such a weapon or ordnance in, a school safety zone and who conveys or possesses the deadly weapon or dangerous ordnance in accordance with that authorization; or

(b) A person who is employed in Ohio, who is authorized to carry deadly weapons or dangerous ordnance, and who is subject to and in compliance with continuing law's annual firearms requalification program requirements¹³ (for example, peace officers or sheriffs), unless the person's appointing authority has expressly specified that the school safety zone exemption does not apply to the person.

(3) The facility is a courthouse or another building or structure in which a courtroom is located, a court rule that prohibits all persons from conveying or attempting to convey a deadly weapon or dangerous ordnance into, or from possessing or having under one's control a deadly weapon or dangerous ordnance in, such

¹¹ R.C. 2923.11(C), not in the bill.

¹² R.C. 2923.126(G)(5).

¹³ R.C. 109.801, not in the bill.



courthouse or building has not been adopted under existing law, and either or both of the following apply:¹⁴

(a) The person, in the circumstances described in continuing law, is a judge of an Ohio court of record or a magistrate, is a person who conveys, attempts to convey, possesses, or has under the person's control a deadly weapon or dangerous ordnance that is to be used as evidence in a pending action, is a bailiff or deputy bailiff of an Ohio court of record who is authorized to carry a firearm and is acting within the scope of that individual's duties at the time of possession, is a prosecutor, or a secret service officer appointed by a county prosecutor, who is authorized to carry a deadly weapon or dangerous ordnance and is acting within the scope of that individual's duties at the time of possession, or is a person who conveys or attempts to convey a handgun into a courthouse or courtroom, who, at the time of the conveyance or attempt, is carrying a valid concealed handgun license, and who transfers possession of the handgun to the officer who has charge of the courthouse or building and secures the handgun until the licensee is prepared to leave the premises; or

(b) The person is a peace officer, an officer of a law enforcement agency, or a person who is in any category described in continuing law,¹⁵ for example, an officer of a law enforcement agency of another state.

(4) The facility is a child day-care center, type A family day-care home, or type B family day-care home, and the person is a licensee who resides in the home at any time in any part of the home that is not dedicated or used for day-care purposes, or in a part of the home that is dedicated or used for day-care purposes at any time during which no children, other than children of that licensee, are in the home.

(5) The person is a concealed handgun licensee and the facility is a building that is a government facility of this state or a political subdivision of this state and is used primarily as a shelter, restroom, parking facility for motor vehicles, or rest facility and is not a courthouse or other building or structure in which a courtroom is located.

(6) With respect to any facility that is not described in (2) or (3), above, the person is a peace officer in the performance of the peace officer's duties.

¹⁴ R.C. 2923.123(C)(1), (3), (4), (5), or (6).

¹⁵ R.C. 2923.123(C)(2)(a) and (b).

Government official's conveyance or possession of a handgun in a school safety zone

Continuing law prohibits any person from knowingly conveying or attempting to convey into a school safety zone, or knowingly possessing in a school safety zone, a deadly weapon, which includes a handgun, or dangerous ordnance. This prohibition does not apply to several persons authorized to carry deadly weapons or dangerous ordnance, e.g., law enforcement officers or school security officers. The bill adds that the prohibition does not apply to any government official who conveys or attempts to convey a handgun into, or possesses a handgun in, a school safety zone if all of the following apply:¹⁶

(1) The official has been issued, and at the time of the conveyance, attempted conveyance, or possession is carrying, a valid concealed handgun license;

(2) The official, while in the school safety zone, is traveling to, is traveling from, or is in a building that *is not a secure facility* and that is (a) a courthouse, (b) another building or structure in which a courtroom is located, (c) a facility where the premises is owned or leased by a public college, university, or other institution of higher education, (d) a child day-care center, a type A family day-care home, or a type B family day-care home that is operated by the government, or a political subdivision, of this state, (e) a building that is a government facility of this state or of a political subdivision of this state and the building is used primarily as a shelter, restroom, parking facility for motor vehicles, or rest facility and is not a courthouse or other building or structure in which a courtroom is located, or (f) the building is a government facility of this state or of its political subdivision and the licensee is a government official;¹⁷ and

(3) The official is not knowingly in an unauthorized place specified below in "**Places into which a concealed carry licensee cannot carry a concealed handgun**," except for a school safety zone, and is not knowingly conveying, attempting to convey, or possessing the firearm in any prohibited manner listed for the particular unauthorized place.

Government official's conveyance or possession of a handgun in a courthouse or courtroom

Continuing law prohibits any person from knowingly conveying or attempting to convey a deadly weapon or dangerous ordnance into, or knowingly possessing or having under the person's control a deadly weapon or dangerous ordnance in, a

¹⁶ R.C. 2923.122(D)(1)(c).

¹⁷ R.C. 2923.126(B)(5), (7), and (9).



courthouse or another building or structure in which a courtroom is located. This prohibition does not apply to several persons, e.g., a judge of an Ohio court of record or a licensee who transfers possession of a handgun to the officer who has charge of the courthouse or building for safekeeping until the licensee leaves the premises. The bill adds that this prohibition does not apply to a government official who conveys or attempts to convey a handgun into, or possesses or has under the official's control a handgun in, a courthouse or another building or structure in which a courtroom is located if the official has been issued and at the time of the conveyance, attempted conveyance, possession, or control is carrying a valid concealed handgun license, and the courthouse, building, or structure *is not a secure facility*.¹⁸

The bill also adds that the exemption for a licensee who transfers possession of a handgun to the officer who has charge of the courthouse or building for safekeeping until the licensee leaves the premises does not limit or affect the right of a government official to convey, attempt to convey, possess, or have under control a handgun, as described in the preceding paragraph.¹⁹

Limiting the concealed carry restrictions that may be adopted or enforced by private employers leasing public premises

Existing law specifies that nothing in the Concealed Carry Law negates or restricts a rule, policy, or practice of a private employer that is not a private college, university, or other institution of higher education, concerning or prohibiting the presence of firearms on the private employer's premises or property, including motor vehicles owned by the private employer. However, the bill prohibits a private employer that leases premises owned by the state or a political subdivision of the state from adopting or enforcing a rule, policy, or practice that prohibits or restricts a licensee who is a government official from carrying a concealed handgun into the leased premises, unless the leased premises *is a secure facility*. The bill states that this prohibition does not affect any restriction imposed under existing law on the carrying of a concealed handgun by a licensee who is a government official, including restrictions on the places into which a handgun may be carried by a licensee (see "**Places into which a concealed carry licensee cannot carry a concealed handgun**," below).²⁰

¹⁸ R.C. 2923.123(C)(2)(c).

¹⁹ R.C. 2923.123(C)(6).

²⁰ R.C. 2923.126(B) and (C)(1)(b).



Concealed carry prohibitions and restrictions that may not be imposed by private persons or entities leasing publicly-owned land or premises

Existing law authorizes the owner or person in control of private land or premises, and a private person or entity leasing land or premises owned by Ohio, the United States, or a political subdivision of the state or the United States, to post a sign in a conspicuous location on that land or on those premises prohibiting persons from carrying firearms or concealed firearms on or onto that land or those premises.

The bill provides, however, that a private person or entity that leases premises owned by the state or a political subdivision of the state may not prohibit or restrict a licensee who is a government official from carrying a concealed handgun on or onto the leased premises, unless the leased premises *is a secure facility*. This provision does not affect any restriction imposed under existing law on the carrying of a concealed handgun by a licensee who is a government official, including restrictions on the places into which a handgun may be carried by a licensee (see "**Places into which a concealed carry licensee cannot carry a concealed handgun**," below).²¹

Requirements for signs posted in unsecured facilities

A provision of the Concealed Carry Law requires specific persons, boards, entities, and designees, such as the sheriff or a director of public safety, to post in locations specified in the Law, a sign that contains a statement in substantially the following form: "Unless otherwise authorized by law, pursuant to the Ohio Revised Code, no person shall knowingly possess, have under the person's control, convey, or attempt to convey a deadly weapon or dangerous ordnance onto these premises." The provision also requires certain boards, bodies, and persons, or designees, for example, school boards, to post in specified locations, a sign that contains a statement in substantially the following form: "Unless otherwise authorized by law, pursuant to Ohio Revised Code section 2923.122, no person shall knowingly possess, have under the person's control, convey, or attempt to convey a deadly weapon or dangerous ordnance into a school safety zone."²²

If any of the premises identified in this provision *is not a secure facility*, and if, under the bill, a person who is a government official and who has been issued and possesses a valid concealed handgun license may carry a concealed handgun into or in the premises, the bill requires that the sign posted include the appropriate statement stated in continuing law, and a statement that the restriction described in the sign does

²¹ R.C. 2923.126(B) and (C)(3)(c).

²² R.C. 2923.1212(A) and (B).



not apply to a government official who has been issued and possesses a valid concealed handgun license and who possesses a concealed handgun.²³

Places into which a concealed carry licensee cannot carry a concealed handgun

The existing Concealed Carry Law specifies the places into which a person who has a valid concealed handgun license may not carry a concealed handgun (the bill's changes to this provision are described in the preceding parts of this analysis). The restricted places are:²⁴

(1) A police station, sheriff's office, or State Highway Patrol Station, premises controlled by the Bureau of Criminal Identification and Investigation, a state correctional institution, jail, workhouse, or other detention facility, an airport passenger terminal, or an institution that is maintained, operated, managed, and governed by the Department of Mental Health and Addiction Services for the care and treatment of mentally ill persons, or by the Department of Developmental Disabilities for the care, treatment, and training of the developmentally disabled;

(2) A school safety zone, if the licensee's carrying the concealed handgun is in violation of the school safety zone carrying law;²⁵

(3) A courthouse or another building or structure in which a courtroom is located, if the licensee's carrying the concealed handgun is in violation of courthouse carrying law;²⁶

(4) Any premises or open air arena for which a D liquor permit has been issued, if the licensee's carrying the concealed handgun is in violation of the existing law²⁷ prohibiting possession of a firearm in any room in which any person is consuming beer or intoxicating liquor or in an open air arena for which that permit has been issued;

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

²³ R.C. 2923.1212(C).

²⁴ R.C. 2923.126(B).

²⁵ R.C. 2923.122.

²⁶ R.C. 2923.123.

²⁷ R.C. 2923.121, not in the bill.

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

(7) A child day-care center, or a type A or type B family day-care home, except a licensee who resides in a type A or type B family day-care home is not prohibited from carrying a concealed handgun at any time in any part of the home that is not dedicated or used for day-care purposes, or from carrying a concealed handgun in a part of the home that is dedicated or used for day-care purposes at any time during which no children, other than children of that licensee, are in the home;

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

(9) Any building that is a government facility of Ohio or an Ohio political subdivision and that is not a building that is used primarily as a shelter, restroom, parking facility for motor vehicles, or rest facility and is not a courthouse or other building or structure in which a courtroom is located that is subject to the law described in paragraph (3), above (note that, notwithstanding this restriction, existing laws²⁸ permit any person to possess, store, or leave a firearm in a motor vehicle in the State Underground Parking Garage at the State Capitol Building or in the parking garage at the Riffe Center for Government and the Arts in Columbus if the person's possession, or transportation and possession, of the firearm in the vehicle while traveling to the garage, was not in violation of state law);

(10) A place in which federal law prohibits the carrying of handguns.

Future law changes

The bill amends the current versions of R.C. 2923.126 and 2923.1212, and the versions of those two sections that are scheduled to take effect January 1, 2014, so as to continue the bill's changes on and after that effective date.²⁹

HISTORY

ACTION	DATE
Introduced	07-25-13

H0236-I-130.docx/emr

²⁸ R.C. 105.41 and 152.08, not in the bill.

²⁹ Sections 3 and 4.

