



Lisa Sandberg

Final Analysis
Legislative Service Commission

Am. H.B. 442
124th General Assembly
(As Passed by the General Assembly)

Reps. Schuring, Cirelli, Otterman, Hoops, White, Patton, Allen, Strahorn, Webster, Fedor, Hartnett, R. Miller, Seitz, DeWine, Roman, Setzer, Schmidt, Lendrum, Rhine, Widowfield, Collier, Carano, Key, Womer Benjamin, Hughes, Seaver, Brown, Sulzer, Faber, Mason, Evans, Reidelbach, Kearns, Niehaus, Latell, Redfern, Calvert, D. Miller, Perry, Schneider, Boccieri, Clancy, Grendell, Flannery, Woodard, Sferra, DeBose, McGregor, Carmichael, Buehrer, Flowers, Barrett, S. Smith, Oakar, Reinhard, Distel, Callender, Schaffer, Hagan, Beatty, G. Smith, Britton, Coates

Sens. Herington, Oelslager, Coughlin, Carnes, Amstutz, Roberts, Harris, Espy, White

Effective date: October 11, 2002

ACT SUMMARY

- Prohibits a person, without privilege to do so, from knowingly discharging a firearm within 1,000 feet of any school building or of the boundaries of any school premises, with the intent to cause physical harm, panic, or fear of physical harm to another who is in the school, in the school building, or at a function or activity associated with the school or to cause the evacuation of the school, the school building, or a function or activity associated with the school.

CONTENT AND OPERATION

Continuing law

Continuing law, unchanged by the act, prohibits a person, without privilege to do so, from knowingly doing either of the following: (1) discharging a firearm at or into an occupied structure that is a permanent or temporary habitation of any individual, or (2) discharging a firearm at, in, or into a "school safety zone" (see "Definitions," below). A person who violates this prohibition is guilty of improperly discharging a firearm at or into a habitation or in a school safety zone, a felony of the second degree.

Neither prohibition applies to any officer, agent, or employee of Ohio, another state, or the United States, or to any law enforcement officer, who discharges the firearm while acting within the scope of the officer's, agent's, or employee's duties. (R.C. 2923.161.)

Operation of the act

The act enacts a new prohibition in R.C. 2923.161 that prohibits a person, without privilege to do so, from knowingly discharging a firearm within 1,000 feet of any "school building" or of the boundaries of any "school premises" (see "**Definitions**," below), with the intent to do any of the following:

(1) Cause physical harm to another who is in the "school," (see "**Definitions**," below) in the school building, or at a function or activity associated with the school;

(2) Cause panic or fear of physical harm to another who is in the school, in the school building, or at a function or activity associated with the school;

(3) Cause the evacuation of the school, the school building, or a function or activity associated with the school.

A violation of this new prohibition is a felony of the second degree. The exception described in "**Continuing law**" applies to the new prohibition.

The act renames the offense of "improperly discharging a firearm at or into a habitation or in a school safety zone" to reflect the new prohibition it enacts. Under the act, the offense is named "improperly discharging a firearm at or into a habitation, in a school safety zone, or with the intent to cause harm or panic to persons in a school, in a school building, or at a school function or the evacuation of a school function." (R.C. 2923.161.)

Definitions

Continuing law, unchanged by the act, provides that, as used in R.C. Title XXIX:

(1) "School safety zone" consists of a "school," "school building," "school premises," "school activity," and "school bus," all as defined in (2) to (6), below (R.C. 2901.01(C)(1)).

(2) "School" means any school operated by a board of education or any school for which the State Board of Education prescribes minimum standards under R.C. 3301.07, whether or not any instruction, extracurricular activities, or

training provided by the school is being conducted at the time a criminal offense is committed (R.C. 2901.01(C)(2), by reference to R.C. 2925.01(Q)).

(3) "School building" means any building in which any of the instruction, extracurricular activities, or training provided by a school is conducted, whether or not any instruction, extracurricular activities, or training provided by the school is being conducted in the school building at the time a criminal offense is committed (R.C. 2901.01(C)(2), by reference to R.C. 2925.01(S)).

(4) "School premises" means either of the following: (a) the parcel of real property on which any school is situated, whether or not any instruction, extracurricular activities, or training provided by the school is being conducted on the premises at the time a criminal offense is committed, or (b) any other parcel of real property that is owned or leased by a board of education of a school or the governing body of a school for which the State Board of Education prescribes minimum standards under R.C. 3301.07 and on which some of the instruction, extracurricular activities, or training of the school is conducted, whether or not any instruction, extracurricular activities, or training provided by the school is being conducted on the parcel of real property at the time a criminal offense is committed (R.C. 2901.01(C)(2), by reference to R.C. 2925.01(R)).

(5) "School activity" means any activity held under the auspices of a board of education of a city, local, exempted village, joint vocational, or cooperative education school district, a governing board of an educational service center, or the governing body of a school for which the State Board of Education prescribes minimum standards under R.C. 3301.07 (R.C. 2901.01(C)(3)).

(6) "School bus" has the same meaning as in R.C. 4511.01 (R.C. 2901.01(C)(4)).

HISTORY

ACTION	DATE	JOURNAL ENTRY
Introduced	11-29-01	p. 1096
Reported, H. Criminal Justice	03-20-02	pp. 1592-1593
Passed House (94-0)	03-21-02	p. 1604
Reported, S. Judiciary on Criminal Justice	05-29-02	p. 1844
Passed Senate (33-0)	06-19-02	pp. 1927-1928

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