



Am. H.B. 442*

124th General Assembly
(As Reported by H. Criminal Justice)

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

BILL 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

Existing law

Existing law 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. 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.)

** This analysis was prepared before the report of the House Criminal Justice Committee appeared in the House Journal. Note that the list of co-sponsors and the legislative history may be incomplete.*

Operation of the bill

The bill renames the offense of "improperly discharging a firearm at or into a habitation or in a school safety zone" to be "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."

The bill also creates a new prohibition; it 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 do any of the following:

- (1) Cause physical harm to another who is in the school, 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 "Existing law" applies to the new prohibition. (R.C. 2923.161.)

HISTORY

ACTION	DATE	JOURNAL ENTRY
Introduced	11-29-01	p. 1096
Reported, H. Criminal Justice	---	---

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