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*Bill Analysis*  
*Legislative Service Commission*

## **S.B. 292**

126th General Assembly  
(As Introduced)

Sen. R. Miller

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### **BILL SUMMARY**

- Authorizes a political subdivision to prohibit the carrying of a concealed handgun in any park, swimming pool, sports field, or other outdoor premises or property that is owned, leased, or otherwise under the control of the political subdivision by adopting an ordinance, regulation, rule, or resolution that designates the park, swimming pool, sports field, or other outdoor premises or property as a place where the carrying of a concealed handgun is prohibited.
- Specifies that, if pursuant to the provision described in the preceding dot point, a political subdivision designates a place as a place where the carrying of a concealed handgun is prohibited, a valid license or temporary emergency license to carry a concealed handgun does not authorize the licensee to carry a concealed handgun into the place so designated.
- Specifies that, if pursuant to the provision described in the second preceding dot point, a political subdivision designates a place as a place where the carrying of a concealed handgun is prohibited, the officer of the political subdivision, or the officer's designee, who has charge of the place must post a sign 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."

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## CONTENT AND OPERATION

### Background

Existing law provides for the issuance to an applicant who satisfies specified criteria of a license to carry a concealed handgun or a temporary emergency license to carry a concealed handgun. A license to carry a concealed handgun expires four years after the date of issuance, and a person who has been issued such a license (the licensee) may renew the license by following specified procedures. A temporary emergency license to carry a concealed handgun is valid for 90 days and may not be renewed by the person to whom it was issued (the licensee). In general, a licensee who has been issued a license or a temporary emergency license to carry a concealed handgun may carry a concealed handgun anywhere in Ohio if the licensee also carries the valid license and valid identification when the licensee is in actual possession of a concealed handgun. However, the law identifies certain places and specifies that a license or temporary emergency license to carry a concealed handgun does not authorize the licensee to carry a concealed handgun into any of those places (see *Places into which a license or temporary emergency license to carry a concealed handgun does not authorize the licensee to carry a concealed handgun,*" below). (R.C. 2923.125, 2923.126, and 2923.1213.)

Related to the general authority of a licensee to carry a concealed handgun that is described above, existing law also expressly exempts from certain criminal prohibitions a licensee who, at the time of the conduct that otherwise allegedly would be in violation of the prohibition, is carrying a valid license or temporary emergency license to carry a concealed handgun, unless the licensee knowingly is in any of the places the law identifies as being places that are not within the scope of the general authority (R.C. 1547.69, regarding certain prohibitions against transporting or having a firearm in a vessel; R.C. 2923.12, regarding the offense of "carrying concealed weapons"; R.C. 2923.122, regarding in certain circumstances "illegal conveyance or possession of a deadly weapon or dangerous ordnance in a school safety zone" and "illegal possession of an object indistinguishable from a firearm in a school safety zone"; R.C. 2923.123, regarding in certain circumstances "illegal conveyance of a deadly weapon or dangerous ordnance into a courthouse" and "illegal possession or control of a deadly weapon or dangerous ordnance in a courthouse"; and R.C. 2923.16, regarding in certain circumstances "improperly handling firearms in a motor vehicle").

Existing law provides that a person who holds a license to carry a concealed handgun that was issued pursuant to the law of another state that is recognized by the Attorney General pursuant to a reciprocity agreement entered into under R.C. 109.69 has the same right to carry a concealed handgun in Ohio as

a person who was issued a license to carry a concealed handgun under Ohio law and is subject to the same restrictions that apply to a person who carries a license issued under Ohio law. It also provides that a peace officer has the same right to carry a concealed handgun in Ohio as a person who was issued a license to carry a concealed handgun under Ohio law and that, for purposes of reciprocity with other states, a peace officer is considered to be a licensee in Ohio. (R.C. 2923.126(D).)

**Places into which a license or temporary emergency license to carry a concealed handgun does not authorize the licensee to carry a concealed handgun**

**Operation of the bill**

The bill enacts provisions pursuant to which a political subdivision may prohibit the carrying of a concealed handgun in a park, swimming pool, sports field, or other outdoor premises or property that it owns, leases, or otherwise controls. Specifically, the bill achieves this by doing the following:

(1) It authorizes a "political subdivision" (see **COMMENT 1**) to prohibit the carrying of a concealed handgun in any park, swimming pool, sports field, or other outdoor premises or property that is owned, leased, or otherwise under the control of the political subdivision by adopting an ordinance, regulation, rule, or resolution that designates the park, swimming pool, sports field, or other outdoor premises or property as a place where the carrying of a concealed handgun is prohibited (R.C. 2923.126(E)).

(2) It expands the existing list of places into which a valid license or temporary emergency license to carry a concealed handgun issued under R.C. 2923.125 or 2923.1213 does not authorize the licensee to carry a concealed handgun (see "**Existing law**," below) so that the list also includes any park, swimming pool, sports field, or other outdoor premises or property that is owned, leased, or otherwise under the control of an Ohio "political subdivision" (see **COMMENT 1**) that the political subdivision has designated in the manner described in paragraph (1) as a place where the carrying of a concealed handgun is prohibited (R.C. 2923.126(B)(10)). The bill modifies an existing provision that refers to the existing list of prohibited places to conform to the expansion of that list under the change described in this paragraph (R.C. 2923.122(D)(3)(d)).

(3) In the uncodified provisions enacted in Am. Sub. H.B. 12 of the 125th General Assembly that currently specify that no municipal corporation or township may adopt or continue in existence any ordinance or resolution that is in conflict with the Revised Code provisions of Am. Sub. H.B. 12 and currently list ordinances or resolutions attempting to restrict the places where a person possessing a valid license to carry a concealed handgun may carry a handgun concealed as examples of the types of ordinances and resolutions that may not be

adopted or continued (see "Existing law," below), it replaces the provision that lists examples of prohibited types of ordinances and resolutions with a provision that, instead, provides that a municipal corporation or township may adopt an ordinance or resolution that specifies additional outdoor premises or property that it owns, leases, or controls as places where a person possessing a valid license to carry a concealed handgun may not carry a handgun concealed and that any ordinance or resolution so adopted is an exception to the general prohibition (Sections 3 and 4 of the bill).

### Existing law

Revised Code provisions. Existing law specifies that a valid license or temporary emergency license to carry a concealed handgun issued under R.C. 2923.125 or 2923.1213 does not authorize the licensee to carry a concealed handgun in any manner prohibited under specified portions of R.C. 2923.12, regarding the offense of "carrying concealed weapons," or under R.C. 2923.16, regarding "improperly handling firearms in a motor vehicle" and does not authorize the licensee to carry a concealed handgun into any of the following places: (1) a police station, sheriff's office, or State Highway Patrol station, premises controlled by the Bureau of Criminal Identification and Investigation (BCII), a state correctional institution, jail, workhouse, or other detention facility, an airport passenger terminal, or a state institution for the care and treatment of mentally ill persons or the care, treatment, and training of mentally retarded persons, (2) a school safety zone, in violation of R.C. 2923.122, (3) a courthouse or another building or structure in which a courtroom is located, in violation of R.C. 2923.123, (4) any room or open air arena in which liquor is being dispensed in premises for which a D permit has been issued under the Liquor Control Law, in violation of R.C. 2923.121, (5) any premises owned or leased by a 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, (6) any church, synagogue, mosque, or other place of worship, unless it posts or permits otherwise, (7) a child day-care center, or a Type A, Type B, or Type C family day-care home, except that this does not prohibit a licensee who resides in any such home 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 that licensee's children, 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 owned by the state of Ohio or any political subdivision of the state, and all portions of any building not owned by any governmental entity listed in this clause but leased by a

governmental entity listed in this clause, or (10) a place in which federal law prohibits the carrying of handguns.

Existing law specifies that nothing in the provisions that generally authorize a licensee to carry a concealed handgun anywhere in the state, subject to the specified exceptions and to the specified prohibited places, 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. Also, it states that nothing in those provisions requires a private employer of the nature described in the preceding sentence to adopt a rule, policy, or practice concerning or prohibiting the presence of firearms on the private employer's premises or property, including motor vehicles owned by the private employer.

Existing law specifies that the owner or person in control of private land or premises, and a private person or entity leasing land or premises owned by the state of Ohio, the United States, or a political subdivision of the state or the United States, may 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. A person who knowingly violates a posted prohibition of that nature is guilty of criminal trespass in violation of R.C. 2911.21(A)(4), a misdemeanor of the fourth degree.

Under existing law, a private employer, including a private college, university, or other institution of higher education, is immune from liability in a civil action for any injury, death, or loss to person or property that allegedly was caused by or related to a licensee bringing a handgun onto the private employer's premises or property, including motor vehicles owned by the private employer, unless the private employer acted with malicious purpose, or that allegedly was caused by or related to the private employer's decision to permit a licensee to bring, or prohibit a licensee from bringing, a handgun onto the private employer's premises or property. A "political subdivision" (see **COMMENT 1**) is immune from liability in a civil action, to the extent and in the manner provided in the Political Subdivision Sovereign Immunity Law (R.C. Chapter 2744.), for any injury, death, or loss to person or property that allegedly was caused by or related to a licensee bringing a handgun onto any premises or property owned, leased, or otherwise under the control of the political subdivision. (R.C. 2923.126.)

**Uncodified law enacted in Am. Sub. H.B. 12 of the 125th General Assembly.** Related to the statutory provisions described above, uncodified provisions enacted in Am. Sub. H.B. 12 of the 125th General Assembly, which was the act that enacted Ohio's law governing the issuance and use of licenses and temporary emergency licenses to carry a concealed handgun, specify that: (1) the



General Assembly found that licenses to carry concealed handguns are a matter of statewide concern and wished to ensure uniformity throughout the state regarding the qualifications for a person to hold a license to carry a concealed handgun and the authority granted to a person holding a license of that nature, (2) it was the intent of the General Assembly in enacting Am. Sub. H.B. 12 to enact laws of a general nature, and that, by enacting those laws of a general nature, the state occupies and preempts the field of issuing licenses to carry a concealed handgun and the validity of licenses of that nature, and (3) no municipal corporation may adopt or continue in existence any ordinance, and no township may adopt or continue in existence any resolution, that is in conflict with the Revised Code provisions of Am. Sub. H.B. 12, including, but not limited to, any ordinance or resolution that attempts to restrict the places where a person possessing a valid license to carry a concealed handgun may carry a handgun concealed (Section 9 of Am. Sub. H.B. 12 of the 125th General Assembly).

**Posting of a sign warning against possession of a deadly weapon or dangerous ordnance on, or conveyance onto, certain premises**

**Operation of the bill**

The bill requires the officer of an Ohio political subdivision, or the officer's designee, who has charge of a park, swimming pool, sports field, or other outdoor premises or property that is owned, leased, or otherwise under the control of the political subdivision and that the political subdivision has designated pursuant to the bill as a place where the carrying of a concealed handgun is prohibited (see "Operation of the bill" under "Places into which a license or temporary emergency license to carry a concealed handgun does not authorize the licensee to carry a concealed handgun," above) to post a sign of the type described in the first paragraph under "Existing law," below. The bill does not specify the place or manner in which the sign is to be posted. (R.C. 2923.1212(A)(10).)

**Existing law**

Existing law requires specified persons, boards, and entities, or designees, to post in the following locations 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 persons, boards, and entities, or designees, that are subject to this requirement are: (1) the Director of Public Safety or the person or board charged with the erection, maintenance, or repair of police stations, municipal jails, and the municipal courthouse and courtrooms in a conspicuous location at all such stations, jails, courthouses, and courtrooms, (2) the sheriff or sheriff's designee who has charge of the sheriff's office in a conspicuous location in that office, (3)

the Superintendent of the State Highway Patrol or his or her designee in a conspicuous location at all Patrol stations, (4) each sheriff, chief of police, or person in charge of every county, multicounty, municipal, municipal-county, or multicounty-municipal jail or workhouse, community-based correctional facility, halfway house, alternative residential facility, or other local or state correctional institution or detention facility within the state, or that person's designee, in a conspicuous location at that facility under that person's charge, (5) the board of trustees of a regional airport authority, chief administrative officer of an airport facility, or other person in charge of an airport facility in a conspicuous location at each airport facility under that person's control, (6) the officer or officer's designee who has charge of a courthouse or the building or structure in which a courtroom is located in a conspicuous location in that building or structure, (7) BCII's Superintendent or the Superintendent's designee in a conspicuous location in all premises BCII controls, (8) the owner, administrator, or operator of a child day-care center, or a Type A, Type B, or Type C family day-care home, and (9) the officer of the state of Ohio or of the Ohio political subdivision, or the officer's designee, who has charge of a building owned by the state or the political subdivision, or who has charge of the portion of a building not owned by any governmental entity listed in this clause but leased by a governmental entity listed in this clause.

Existing law also requires the following boards, bodies, and persons, or designees to post in the following 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.": (1) a board of education of a city, local, exempted village, or joint vocational school district or that board's designee in a conspicuous location in each building and on each parcel of real property owned or controlled by the board, (2) a governing body of a school for which the State Board of Education prescribes minimum standards under R.C. 3301.07 or that body's designee in a conspicuous location in each building and on each parcel of real property owned or controlled by the school, and (3) the principal or chief administrative officer of a nonpublic school in a conspicuous location on property owned or controlled by that nonpublic school. (R.C. 2923.1212.)

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## COMMENT

1. As used in the existing provisions and provisions of the bill described in "Places into which a license or temporary emergency license to carry a concealed handgun does not authorize the licensee to carry a concealed handgun" under the **CONTENT AND OPERATION** portion of this analysis, "political subdivision" means a municipal corporation, township, county, school

district, or other body corporate and politic responsible for governmental activities in a geographic area smaller than that of the state. "Political subdivision" includes, but is not limited to, a county hospital commission appointed under R.C. 339.14, board of hospital commissioners appointed for a municipal hospital under R.C. 749.04, board of hospital trustees appointed for a municipal hospital under R.C. 749.22, regional planning commission created pursuant to R.C. 713.21, county planning commission created pursuant to R.C. 713.22, joint planning council created pursuant to R.C. 713.231, interstate regional planning commission created pursuant to R.C. 713.30, port authority created pursuant to R.C. 4582.02 or 4582.26 or in existence on December 16, 1964, regional council established by political subdivisions pursuant to R.C. Chapter 167., emergency planning district and joint emergency planning district designated under R.C. 3750.03, joint emergency medical services district created pursuant to R.C. 307.052, fire and ambulance district created pursuant to R.C. 505.375, joint interstate emergency planning district established by an agreement entered into under R.C. 505.375, county solid waste management district and joint solid waste management district established under R.C. 343.01 or 343.012, and community school established under R.C. Chapter 3314. (R.C. 2923.124(O) under the bill and R.C. 2923.126(C)(2)(b) under existing law, by reference to existing R.C. 2744.01, not in the bill).

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## HISTORY

ACTION	DATE
Introduced	03-14-06

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