



Ohio Legislative Service Commission

Bill Analysis

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H.B. 403

130th General Assembly
(As Introduced)

Reps. Becker, Hood

BILL SUMMARY

- Generally authorizes a person who has a concealed handgun license to carry a concealed handgun into any government facility that is not a secure facility.
- Permits a concealed handgun licensee to carry a concealed handgun into or in a school safety zone while traveling to or from or while in certain buildings in the school safety zone that are not secure facilities and permits a licensee who is a government official to enter a school building.
- Permits a concealed handgun licensee to carry a concealed handgun in a courthouse or other building with a courtroom if the courthouse or building is not a secure facility.
- Limits the restrictions that a private employer, or a private person or entity, who leases publicly owned premises, may impose on a concealed handgun licensee if the premises are not 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 person who is carrying a concealed handgun if the person can lawfully carry a concealed handgun on the premises and possesses a valid concealed handgun license.

CONTENT AND OPERATION

The Concealed Carry Law¹ provides for the issuance of licenses to carry a concealed handgun, governs the suspension and revocation of concealed handgun

¹ R.C. 2923.124 to 2923.1213.

licenses, and, along with the Weapons Control Law,² governs where a concealed handgun licensee³ can and cannot carry a concealed handgun. Generally, a person who has been issued a concealed handgun license may carry a concealed handgun anywhere in Ohio if the concealed handgun licensee also carries a valid concealed handgun license and valid identification when the licensee is in actual possession of a concealed handgun.⁴

The provisions of the Concealed Carry Law and Weapons Control Law that govern where a concealed handgun licensee can and cannot carry a concealed handgun include, but are not limited to, prohibitions and restrictions related to school safety zones, courthouses and other buildings that contain a courtroom, colleges and universities, child-care centers, government facilities, and the premises and property of private employers. The bill, as drafted, affects the laws governing the possession of concealed handguns on and the conveyance of concealed handguns into these locations.

Definition of "secure facility"

The bill enacts a definition of "secure facility." As used throughout the bill, secure facility means 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:⁵

- The person has passed through or been scanned by a metal detection device or has been scanned by a metal detection wand.
- The facility is in a school safety zone, and the person is: (1) an officer, agent, or employee of Ohio 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 board of education or governing body of a school during the time that the security officer is

² R.C. 2923.11 to 2923.123. The Weapons Control Law governs the possession and carrying of firearms, deadly weapons, and dangerous ordnance. A handgun is a "firearm" and "deadly weapon," as those terms are defined under ongoing law.

³ A person who holds a handgun license in another state that is recognized by the Attorney General pursuant to a reciprocity agreement is authorized to carry a concealed handgun in Ohio in accordance with the Concealed Carry Law. R.C. 2923.126(D) and 109.69.

⁴ R.C. 2923.126(A).

⁵ R.C. 2923.126(G)(4), 2923.122(D)(1)(a) and (b), and 2923.123(C) and (E).



on duty pursuant to that contract of employment, or any other person who has written authorization from the board of education or governing body of a school to convey deadly weapons or dangerous ordnance into a school safety zone or to possess a deadly weapon or dangerous ordnance in a school safety zone and who conveys or possesses the deadly weapon or dangerous ordnance in accordance with that authorization, or (2) any 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 the requirements for annual firearms requalification unless the appointing authority of the person has expressly specified that this exemption does not apply to the person.

- The facility is a courthouse or another building or structure in which a courtroom is located, no rule of superintendence or other rule adopted by the Ohio Supreme Court, or applicable local rule of court, prohibits all persons from conveying or attempting to convey a deadly weapon or dangerous ordnance into the building or structure or from possessing or having under a person's control a deadly weapon or dangerous ordnance in the building or structure; and either or both of the following apply: (1) the person entering is a judge of an Ohio court of record or a magistrate; a person who is bringing a weapon or dangerous ordnance into a building or structure to be used as evidence in a pending criminal or civil action or proceeding; a bailiff or deputy bailiff of an Ohio court of record who is authorized to carry a firearm and possesses or has a firearm under their control as a requirement of the person's duties and is acting within the scope of the person's duties; a prosecutor or secret service officer appointed by a county prosecuting attorney who is authorized to carry a deadly weapon or dangerous ordnance in the performance of the prosecutor's or officer's duties and who possesses or has the deadly weapon or dangerous ordnance under their control as a requirement of the prosecutor's or officer's duties and is acting within the scope of those duties; or a person who is carrying a valid concealed handgun license and transfers possession of the handgun to the officer or the officer's designee who has charge of the courthouse or building, or (2) the person is a peace officer or officer of a law enforcement agency of Ohio or another state or a political subdivision of Ohio or another state, or of the United States, or is an Ohio employee, who is authorized to carry a deadly weapon or dangerous ordnance, has the deadly weapon or dangerous ordnance under their control as a requirement of officer's or employee's duties, and is acting within the scope of the officer's or employee's duties.



- The facility is a child day-care center or a type A, B, or C family day-care home and the person is a concealed handgun licensee who resides at the facility and is carrying a concealed handgun at the facility in a part of the facility that is not dedicated or used for day-care purposes or, if the person is carrying the concealed handgun in part of the facility that is dedicated or used for day-care purposes, no children other than the person's own children are in the home;
- The facility is a building that is a government facility of Ohio or a political subdivision thereof that is primarily used as a shelter, restroom, parking facility for motor vehicles, or rest facility that is not a courthouse or other building or structure in which building or structure a courtroom is located, and the person is a concealed handgun licensee; or
- If the facility is not located in a school zone and is not a courthouse or another building or structure in which a courtroom is located, the person is a peace officer in the performance of the officer's duties.

School safety zones

The Weapons Control Law generally prohibits a person from knowingly conveying or attempting to convey a deadly weapon or dangerous ordnance, or object indistinguishable therefrom, into a school safety zone and from knowingly possessing a deadly weapon or dangerous ordnance in a school safety zone.⁶ A handgun is one type of deadly weapon.⁷ A "school safety zone" consists of a school, school building, school premises, school activity, and school bus.⁸

Under ongoing law, the prohibitions do not apply in certain circumstances to a person who is carrying a valid concealed handgun license at the time of the person's conveyance or attempted conveyance of a handgun into, or possession of a handgun in, a school safety zone.⁹ The bill, as drafted, adds an additional exception to the other, ongoing exceptions. Under the bill, the prohibitions do not apply to a person who conveys or attempts to convey a handgun into, or possesses a handgun in, a school safety zone if all of the following apply:

⁶ R.C. 2923.122.

⁷ R.C. 2923.11(A), (B), and (C), not in the bill.

⁸ R.C. 2901.01(C)(1), not in the bill.

⁹ R.C. 2923.122(D)(3).

(1) If the person is not a government official, the person, while in the school safety zone, is travelling to, is travelling from, or is in any of the following buildings, structures, or facilities, if the building, structure, or facility is not a secure facility: a courthouse or another building or structure in which a courtroom is located; premises owned or leased by a public college, university, or other institution of higher education; a child day-care center or a type A, B, or C family day-care home; or a building that is a government facility of Ohio or a political subdivision thereof 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.

(2) If the person is a government official, the person, while in the school safety zone, is travelling to, is travelling from, or is in any of the following buildings, structures, or facilities, if the building, structure, or facility is not a secure facility: a courthouse or another building or structure in which a courtroom is located; a school building; a child day-care center or a type A, B, or C family day-care home; or a building that is a government facility of Ohio or a political subdivision thereof 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.

(3) If the person is not a government official, the person does not enter into a school building.

(4) Regardless of whether the person is, or is not, a government official, the person is not knowingly in an unauthorized place and is not knowingly conveying, attempting to convey, or possessing the firearm in or into any of the places in a prohibited manner. The places that are considered unauthorized under the bill are:¹⁰

- 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 mentally retarded;
- A courthouse or another building in which a courtroom is located, in violation of the offense of illegal conveyance of a deadly weapon or

¹⁰ R.C. 2923.122(D)(3)(c) and 2923.126(B)(1) and (3) to (10).

dangerous ordnance into a courthouse or illegal possession or control of a deadly weapon or dangerous ordnance in a courthouse;¹¹

- Any premises or open air arena for which the Division of Liquor Control has issued a type D liquor permit, in violation of the offense of illegal possession of a firearm in a liquor permit premises;¹²
- 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, or, any premises owned or leased by a public college, university, or other institution of higher education that is not a secure facility;¹³
- Any church, synagogue, mosque, or other place of worship, unless the church, synagogue, mosque, or other place of worship posts or permits otherwise;
- A child day-care center, or a type A, type B, or type C family day-care home, except that a licensee who resides in a type A, type B, or type C family day-care home may carry a concealed handgun 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 the licensee's own children, are in the home, and, a licensee may carry a concealed handgun at any time in a child day-care center or type A, B, or C family day-care home if the day-care center or family day-care home is not a secure facility;
- An aircraft that is in, or intended for operation in, foreign air transportation, interstate air transportation, intrastate air transportation, or the transportation of mail;
- Any building that is a government facility of Ohio or a political subdivision thereof, unless the building is a building that is used primarily as a shelter, restroom, parking facility for motor vehicles, or rest facility that is not a courthouse or other building or structure in which a courtroom is located, or, the building is not a secure facility;

¹¹ R.C. 2923.123.

¹² R.C. 2923.121.

¹³ R.C. 2923.126(B)(5)(b).



- A place in which federal law prohibits the carrying of handguns.

For purposes of this exception, the bill defines "government official" as any elected or appointed officer or employee of the state or any political subdivision of the state.¹⁴

Courthouses

The Weapons Control Law generally prohibits persons from knowingly conveying or attempting to convey a deadly weapon or dangerous ordnance into, and knowingly possessing or having a deadly weapon or dangerous ordnance under the person's control in, a courthouse or another building or structure in which a courtroom is located.¹⁵ Ongoing provisions provide that the prohibitions do not apply, in given circumstances, to specified persons.¹⁶

The bill amends one of the ongoing exceptions. Under current law, the exception provides that the prohibitions do not apply to a concealed handgun licensee who conveys or attempts to convey a handgun into a courthouse or another building or structure in which a courtroom is located, provided that the licensee is carrying a valid concealed handgun license and transfers possession of the handgun to the officer or officer's designee who has charge of the courthouse or building while the licensee is in the courthouse or building.¹⁷ The bill allows a concealed handgun licensee who is carrying a valid concealed handgun license to carry a concealed handgun into, and to possess and have a handgun under the licensee's control in, a courthouse or other building in which a courtroom is located without transferring the handgun to the officer or officer's designee, *if* the courthouse or building *is not* a secure facility.¹⁸ However, *if* the courthouse or building *is* a secure facility, the licensee must transfer possession of the handgun to the officer or officer's designee, in accordance with the ongoing provisions of the law.¹⁹

¹⁴ R.C. 2923.122(G)(2).

¹⁵ R.C. 2923.123(A) and (B).

¹⁶ R.C. 2923.123(C).

¹⁷ R.C. 2923.123(C)(6).

¹⁸ R.C. 2923.123(C)(2)(c).

¹⁹ R.C. 2923.123(C)(6).



Universities, child-care centers, government facilities, and employers' property

The Concealed Carry Law lists a number of locations where a concealed handgun licensee either is not authorized to carry a concealed handgun or is subject to restrictions on carrying a concealed handgun.²⁰ The bill amends the list of locations in the following ways:

(1) Under ongoing law, a licensee is not authorized to carry a concealed handgun into 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. The bill adds an exception to the ongoing law that allows a licensee to carry a concealed handgun onto premises owned by a public, but not private, college, university, or other institution of higher education, *if* the premises is not a secure facility.²¹

(2) Under ongoing law, a licensee is not authorized to carry a concealed handgun into a child day-care center, a type A family day-care home, or a type B family day-care home, except that a licensee who resides in a type A, type B, or type C²² family day-care home may carry a concealed handgun 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 the licensee's own children, are in the home. The bill adds an exception to the ongoing law, that permits a licensee to carry a concealed handgun at any time in a child day-care center or a type A, type B, or type C family day-care home that is operated by Ohio or a political subdivision thereof *if* the day-care center or day-care home is not a secure facility.²³

(3) Under ongoing law, a licensee is not authorized to carry a concealed handgun into any building that is a government facility of Ohio or a political subdivision thereof unless the building 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. The bill adds an exception to the

²⁰ R.C. 2923.126(B).

²¹ R.C. 2923.126(B)(5). This amendment is reflected in "**School safety zones**," above.

²² R.C. 2929.126(B)(7). Effective January 1, 2014, pursuant to Am. Sub. H.B. 59 of the 130th General Assembly, this division is amended to exclude the reference to type C family day-care homes. Type C homes were authorized under a pilot program created by Sub. H.B. 62 of the 121st General Assembly that ended in 2003.

²³ R.C. 2923.126(B)(7). This amendment is reflected in "**School safety zones**," above.



ongoing law that authorizes a licensee to carry a concealed handgun into *any* building that is a government facility of Ohio or a political subdivision thereof, *if* the building is not a secure facility.²⁴

The Concealed Carry Law currently provides that nothing in the restrictions that the Law imposes on a concealed handgun licensee's authority to carry a concealed handgun²⁵ negates or restricts a rule, policy, or practice adopted by 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.²⁶ The bill restricts the authority of certain private employers to adopt a rule, policy, or practice of this nature. The bill prohibits a private employer that leases premises owned by Ohio or a political subdivision thereof from adopting or enforcing a rule, policy, or practice that prohibits or restricts a concealed handgun licensee from carrying a concealed handgun into the leased governmental premises unless the leased premises is a secure facility.²⁷ The bill provides that this prohibition does not affect any of the other restrictions imposed on a concealed handgun licensee's authority to carry a concealed handgun on the carrying of a concealed handgun by a concealed handgun licensee.²⁸

The bill also prohibits a private person or entity that leases premises owned by Ohio or a political subdivision thereof from prohibiting or restricting a concealed handgun licensee from carrying a concealed handgun on or onto the leased premises unless the leased premises is a secure facility.²⁹ Under current law, a private person or entity leasing land or premises owned by Ohio or the United States, or a political subdivision of Ohio or the United States, is authorized to post a sign on the land or premises prohibiting persons from carrying firearms or concealed firearms on or onto that land or those premises. The current law does not distinguish between secure and nonsecure facilities.³⁰ The bill provides that this amendment does not affect any of the

²⁴ R.C. 2923.126(B)(9). This amendment is reflected in "**School safety zones**," above.

²⁵ Limited to those provisions contained in R.C. 2923.126.

²⁶ R.C. 2923.126(C)(1).

²⁷ R.C. 2923.126(C)(1)(b).

²⁸ R.C. 2923.126(C)(1).

²⁹ R.C. 2923.126(C)(3)(a) and (c).

³⁰ R.C. 2923.126(C)(3)(a).



restrictions imposed under the section on the carrying of a concealed handgun by a licensee.³¹

Signs posted pursuant to the Concealed Carry Law

Under ongoing provisions of the Concealed Carry Law, certain persons, boards, and entities, or designees must post a sign at designated locations 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 the premises." The bill provides that *if* any of the premises *is not* a secure facility, and if any provision of the Concealed Carry Law permits a person who has been issued and possesses a valid concealed handgun license to carry a concealed handgun into or in the premises, the sign must include a statement that the restriction described in the sign does not apply to a person who has been issued and possesses a valid concealed handgun license and who possesses a concealed handgun.³² The bill does not change the list of persons, boards, and entities required to post a sign in this form under ongoing law.

Similarly, under ongoing provisions of the Concealed Carry Law, certain boards, bodies, and persons, or designees must post a sign at designated locations 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." The bill provides that *if* any of the premises *is not* a secure facility, and if any provision of the Concealed Carry Law permits a person who has been issued and possesses a valid concealed handgun license to carry a concealed handgun into or in the premises, the sign must include a statement that the restriction described in the sign does not apply to a person who has been issued and possesses a valid concealed handgun license and who possesses a concealed handgun.³³

The bill does not change the list of boards, bodies, and persons required to post a sign in this form under ongoing law.

³¹ R.C. 2923.126(B) and (C)(3)(c).

³² R.C. 2923.1212(A) and (C)

³³ R.C. 2923.1212(B) and (C).



COMMENT

Sections 3 and 4 of the bill amend the versions of R.C. 2923.126 and 2923.1212 that are scheduled to take effect on January 2, 2014 under, respectively, Am. Sub. H.B. 59 of the 130th General Assembly and Am. Sub. S.B. 316 of the 129th General Assembly. The changes made to R.C. 2923.126 and 2923.1212 by these acts are technical in nature and do not affect the substance of the bill.

HISTORY

ACTION	DATE
Introduced	01-15-14

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