



Ohio Legislative Service Commission

Bill Analysis

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H.B. 454

130th General Assembly
(As Introduced)

Reps. Gonzales, Hill, Pillich, Stebelton

BILL SUMMARY

- Modifies the exemption from the prohibition against carrying a handgun in a school safety zone for a concealed handgun licensee who is in the school safety zone in accordance with federal law by removing language prohibiting the licensee from entering into the school building, premises, or attend a school activity or otherwise occupy a place where concealed handguns are prohibited.
- Exempts from the prohibition against carrying a handgun in a school safety zone a concealed handgun licensee who is dropping off or picking up any person, document or item, provided that the license holder does not remove the handgun from the motor vehicle and locks the motor vehicle if the licensee enters into a school building, school premises, or school activity.

CONTENT AND OPERATION

Carrying a deadly weapon in a school safety zone

Ohio law generally prohibits a person from knowingly conveying, attempting to convey, or possessing a deadly weapon or dangerous ordnance (or an item indistinguishable from a weapon) into a school safety zone.¹ A "school safety zone" consists of a school, school building, school premises, school activity, and school bus.² There are a number of exceptions to this prohibition (see "**Current Ohio law: other recognized exceptions**," below). The bill makes changes to two exceptions which

¹ R.C. 2923.122(A) and (B).

² R.C. 2901.01(C)(1), not in the bill.

exempt, under certain specified circumstances, concealed handgun licensees from the general prohibition.

Exception for carrying in compliance with federal law

Under the bill, a person who conveys or attempts to convey a handgun into, or possesses a handgun (or an object that is indistinguishable from a weapon) in, a school safety zone, does not violate the prohibition, if the person is carrying a valid Ohio concealed carry license, or a license of another state with which Ohio has a reciprocity agreement, *and* the person is in the school safety zone in accordance with federal law regarding possessing a firearm in a school zone.³

Under current Ohio law, a concealed handgun licensee who is carrying in compliance with federal law is exempt from the prohibition only if the licensee (1) is not entering into the school building or onto school premises or attending a school activity⁴ or (2) is not knowingly in a place, other than a school safety zone, where concealed handguns are prohibited.⁵ The bill removes both of these provisions.

Federal law

Federal law prohibits an individual from knowingly possessing a firearm that has moved in or that otherwise affects interstate or foreign commerce at a place that the individual knows, or has reasonable cause to believe, is a school zone.⁶ The federal law defines a "school zone" as (1) in, or on the grounds of, a public, parochial, or private school or (2) within a distance of 1,000 feet from the grounds of a public, parochial or private school.⁷ The federal prohibition does not apply in any of the following circumstances:⁸

(1) The individual possesses the firearm on private property that is not part of school grounds.

(2) The individual possessing the firearm is licensed to do so by the state in which the school zone is located or by a political subdivision of the state. The law of the state or political subdivision must require that, before an individual obtains a license,

³ R.C. 2923.122(D)(3)(a), as amended by the bill.

⁴ Current R.C. 2923.122(D)(3)(a), removed by the bill.

⁵ R.C. 2923.122(D)(3)(d), removed by the bill.

⁶ 18 United States Code (U.S.C.) 922(q)(2)(A).

⁷ 18 U.S.C. 921(a)(25).

⁸ 18 U.S.C. 922(q)(2)(B).



the law enforcement authorities of the state or political subdivision verify that the individual is legally qualified to receive the license.

(3) The firearm is not loaded and is in a locked container or in a locked firearms rack on a motor vehicle.

(4) The individual possesses the firearm for use in a program approved by a school in the school zone.

(5) The individual possesses the firearm in accordance with a contract entered into between a school in the school zone and the individual or the individual's employer.

(6) Possession is by a law enforcement officer acting in his or her official capacity.

(7) The firearm is unloaded and is possessed by an individual while traversing school premises for the purpose of gaining access to public or private lands open to hunting, if the entry on school premises is authorized by school authorities.

Exception for dropping off any person, document, or item

The bill also permits a concealed handgun licensee to possess a handgun in a school safety zone, if all of the following apply:

(1) The licensee is the driver or passenger *of* a motor vehicle (rather than "*in*" a motor vehicle as under current law) and is in the school safety zone while immediately in the process of picking up or dropping off *any person, document, or item*.⁹

(2) The handgun does not leave the motor vehicle.¹⁰

(3) If the licensee exits the motor vehicle and intends to enter into a school building, school premises, or school activity within the school safety zone, the licensee locks the motor vehicle in which the handgun is located.

"Person, document, or item"

Under current law, a concealed handgun licensee does not violate the prohibition if the licensee is the driver or passenger *in* a motor vehicle and is in the school safety

⁹ R.C. 2923.122(D)(3)(b)(i).

¹⁰ R.C. 2923.122(D)(3)(b)(ii).



zone while in the process of picking up or dropping off a *child*.¹¹ As described above, the bill expands the exception to include dropping off any person, document, or item.

Improper handling of firearms in a motor vehicle

The bill also removes language requiring that in order for the licensee to meet the exception described above, the licensee must not be in violation of the separate law prohibiting improper handling of firearms in a motor vehicle (which not affected by the bill).¹²

That law prohibits a person from knowingly (1) discharging a firearm while in or on a motor vehicle,¹³ (2) transporting or having a loaded firearm in a motor vehicle accessible to the operator or passenger without leaving the vehicle,¹⁴ (3) having a firearm in a motor vehicle unless the firearm is carried in one of four prescribed ways,¹⁵ (4) having a loaded handgun in a motor vehicle if the person is under the influence of alcohol or drugs.¹⁶ Although the bill removes the language referring to this for purposes of carrying a weapon in a school safety zone, any person who violates this separate law is subject to the penalties for improperly handling firearms in a motor vehicle.

Current Ohio law: other recognized exceptions

Ohio law provides other exceptions to the general prohibition on possessing or conveying a deadly weapon or dangerous ordnance (or an object that is indistinguishable from a firearm) into a school safety zone. These other exceptions, which are not affected by the bill, are as follows:

(1) An officer, agent, or employee of any state or of the United States, or an Ohio law enforcement officer, who is authorized to carry deadly weapons or dangerous ordnance and is acting within the scope of his or her duties;

(2) A security officer employed by a board of education or governing body of a school during the time that the security officer is on duty;

¹¹ R.C. 2923.122(D)(3)(b)(i).

¹² Current R.C. 2923.122(D)(3)(c), removed by the bill.

¹³ R.C. 2923.16(A), not in the bill. A violation of this division is a felony of the fourth degree.

¹⁴ R.C. 2923.16(B). A violation of this division is a felony of the fourth degree.

¹⁵ R.C. 2923.16(C). A violation of this division is a misdemeanor of the fourth degree.

¹⁶ R.C. 2923.16(D). A violation of this division is a felony of the fifth degree or, if the loaded handgun is concealed on the person's person, a felony of the fourth degree.

(3) Any other person who carries the deadly weapon or dangerous ordinance in the school safety zone in accordance with written authorization from the board of education or governing body of a school;

(4) A person who is employed in Ohio, is authorized to carry deadly weapons or dangerous ordnance, and is subject to and in compliance with the requirements of certain firearms requalification programs,¹⁷ unless the appointing authority of the person has expressly specified that this exemption does not apply to the person.¹⁸

HISTORY

| ACTION | DATE |
|------------|----------|
| Introduced | 02-19-14 |

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¹⁷ See R.C. 109.081, not in the bill.

¹⁸ R.C. 2923.122(D)(1).

