



Ohio Legislative Service Commission

Bill Analysis

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Am. H.B. 454

130th General Assembly
(As Reported by H. Education)

Reps. Gonzales, Hill, Pillich, Stebelton, Smith, Brenner

BILL SUMMARY

- 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 exits the vehicle.
- Removes a current exemption from the general prohibition for a concealed handgun licensee who is in a school safety zone in accordance with federal law and who does not enter into a school building or onto school premises or attends a school activity, and is not knowingly in a place, other than a school safety zone, where concealed handguns are prohibited.

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 and federal law: other recognized exceptions**" below). The bill makes changes to two exceptions which exempt, under certain specified circumstances, concealed handgun licensees from the general prohibition.

¹ R.C. 2923.122(A) and (B).

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

Exception for concealed carry license holders

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 all of the following apply:

(1) The person is carrying a valid concealed handgun license.

(2) 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* (rather than "*any child*" as under current law).

(3) The handgun does not leave the motor vehicle.

(4) If the licensee exits the motor vehicle, the licensee locks the motor vehicle.³

The bill also eliminates a current exception that permits an individual to possess a handgun if all of the following occurs:

(1) The person is carrying a valid concealed handgun license.

(2) The person is not entering into the school building or onto school premises or attending a school activity.

(3) The person is in the school safety zone in accordance with federal law.

(4) The person is not knowingly in a place, other than a school safety zone, where concealed handguns are prohibited.⁴

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 is not affected by the bill).⁵

³ R.C. 2923.122(D)(3).

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

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



That law prohibits a person from knowingly (1) discharging a firearm while in or on a motor vehicle,⁶ (2) transporting or having a loaded firearm in a motor vehicle accessible to the operator or passenger without leaving the vehicle,⁷ (3) having a firearm in a motor vehicle unless the firearm is carried in one of four prescribed ways,⁸ (4) having a loaded handgun in a motor vehicle if the person is under the influence of alcohol or drugs.⁹ 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 and federal law: other recognized exceptions

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.¹⁰ 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.¹¹ The federal prohibition does not apply in any of the following circumstances:¹²

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

⁶ R.C. 2923.16(A), not in the bill. A violation of this division is a felony of the fourth degree.

⁷ R.C. 2923.16(B). A violation of this division is a felony of the fourth degree.

⁸ R.C. 2923.16(C). A violation of this division is a misdemeanor of the fourth degree.

⁹ 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.

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

¹¹ 18 U.S.C. 921(a)(25).

¹² 18 U.S.C. 922(q)(2)(B).



(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.

Ohio law

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;

(3) Any other person who carries the deadly weapon or dangerous ordnance 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,¹³ unless the appointing authority of the person has expressly specified that this exemption does not apply to the person.¹⁴

¹³ See R.C. 109.081, not in the bill.

¹⁴ R.C. 2923.122(D)(1).



HISTORY

ACTION

DATE

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Reported, H. Education

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