

As Introduced

131st General Assembly

Regular Session

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H. B. No. 20

Representatives Gonzales, Koehler

**Cosponsors: Representatives Bishoff, Dever, Hambley, Kraus, Retherford,
Rezabek, Young**

A BILL

To amend section 2923.122 of the Revised Code to 1
expand and clarify the authority of a concealed 2
handgun licensee to possess a handgun in a 3
school safety zone. 4

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That section 2923.122 of the Revised Code be 5
amended to read as follows: 6

Sec. 2923.122. (A) No person shall knowingly convey, or 7
attempt to convey, a deadly weapon or dangerous ordnance into a 8
school safety zone. 9

(B) No person shall knowingly possess a deadly weapon or 10
dangerous ordnance in a school safety zone. 11

(C) No person shall knowingly possess an object in a 12
school safety zone if both of the following apply: 13

(1) The object is indistinguishable from a firearm, 14
whether or not the object is capable of being fired. 15

(2) The person indicates that the person possesses the 16

object and that it is a firearm, or the person knowingly 17
displays or brandishes the object and indicates that it is a 18
firearm. 19

(D) (1) This section does not apply to any of the 20
following: 21

(a) An officer, agent, or employee of this or any other 22
state or the United States, or a law enforcement officer, who is 23
authorized to carry deadly weapons or dangerous ordnance and is 24
acting within the scope of the officer's, agent's, or employee's 25
duties, a security officer employed by a board of education or 26
governing body of a school during the time that the security 27
officer is on duty pursuant to that contract of employment, or 28
any other person who has written authorization from the board of 29
education or governing body of a school to convey deadly weapons 30
or dangerous ordnance into a school safety zone or to possess a 31
deadly weapon or dangerous ordnance in a school safety zone and 32
who conveys or possesses the deadly weapon or dangerous ordnance 33
in accordance with that authorization; 34

(b) Any person who is employed in this state, who is 35
authorized to carry deadly weapons or dangerous ordnance, and 36
who is subject to and in compliance with the requirements of 37
section 109.801 of the Revised Code, unless the appointing 38
authority of the person has expressly specified that the 39
exemption provided in division (D) (1) (b) of this section does 40
not apply to the person. 41

(2) Division (C) of this section does not apply to 42
premises upon which home schooling is conducted. Division (C) of 43
this section also does not apply to a school administrator, 44
teacher, or employee who possesses an object that is 45
indistinguishable from a firearm for legitimate school purposes 46

during the course of employment, a student who uses an object 47
that is indistinguishable from a firearm under the direction of 48
a school administrator, teacher, or employee, or any other 49
person who with the express prior approval of a school 50
administrator possesses an object that is indistinguishable from 51
a firearm for a legitimate purpose, including the use of the 52
object in a ceremonial activity, a play, reenactment, or other 53
dramatic presentation, or a ROTC activity or another similar use 54
of the object. 55

(3) This section does not apply to a person who conveys or 56
attempts to convey a handgun into, or possesses a handgun in, a 57
school safety zone if, at the time of that conveyance, attempted 58
conveyance, or possession of the handgun, all of the following 59
apply: 60

~~(a) The person does not enter into a school building or 61
onto school premises and is not at a school activity. 62~~

~~(b) The person is carrying a valid concealed handgun- 63
license. 64~~

~~(c) The person is in the school safety zone in accordance 65
with 18 U.S.C. 922 (q) (2) (B). 66~~

~~(d) The person is not knowingly in a place described in- 67
division (B) (1) or (B) (3) to (10) of section 2923.126 of the 68
Revised Code. 69~~

~~(4) This section does not apply to a person who conveys or 70
attempts to convey a handgun into, or possesses a handgun in, a 71
school safety zone if at the time of that conveyance, attempted- 72
conveyance, or possession of the handgun all of the following- 73
apply: 74~~

(a) The person is carrying a valid concealed handgun 75

license. 76

(b) The person is the driver or passenger ~~in of~~ a motor 77
vehicle and is in the school safety zone while immediately in 78
the process of picking up or dropping off ~~a child~~ any person, 79
document, or item. 80

(c) ~~The person is not in violation of section 2923.16 of~~ 81
~~the Revised Code~~ handgun does not leave the motor vehicle. 82

(d) If the person exits the motor vehicle, the person 83
locks the motor vehicle. 84

(E) (1) Whoever violates division (A) or (B) of this 85
section is guilty of illegal conveyance or possession of a 86
deadly weapon or dangerous ordnance in a school safety zone. 87
Except as otherwise provided in this division, illegal 88
conveyance or possession of a deadly weapon or dangerous 89
ordnance in a school safety zone is a felony of the fifth 90
degree. If the offender previously has been convicted of a 91
violation of this section, illegal conveyance or possession of a 92
deadly weapon or dangerous ordnance in a school safety zone is a 93
felony of the fourth degree. 94

(2) Whoever violates division (C) of this section is 95
guilty of illegal possession of an object indistinguishable from 96
a firearm in a school safety zone. Except as otherwise provided 97
in this division, illegal possession of an object 98
indistinguishable from a firearm in a school safety zone is a 99
misdemeanor of the first degree. If the offender previously has 100
been convicted of a violation of this section, illegal 101
possession of an object indistinguishable from a firearm in a 102
school safety zone is a felony of the fifth degree. 103

(F) (1) In addition to any other penalty imposed upon a 104

person who is convicted of or pleads guilty to a violation of 105
this section and subject to division (F) (2) of this section, if 106
the offender has not attained nineteen years of age, regardless 107
of whether the offender is attending or is enrolled in a school 108
operated by a board of education or for which the state board of 109
education prescribes minimum standards under section 3301.07 of 110
the Revised Code, the court shall impose upon the offender a 111
class four suspension of the offender's probationary driver's 112
license, restricted license, driver's license, commercial 113
driver's license, temporary instruction permit, or probationary 114
commercial driver's license that then is in effect from the 115
range specified in division (A) (4) of section 4510.02 of the 116
Revised Code and shall deny the offender the issuance of any 117
permit or license of that type during the period of the 118
suspension. 119

If the offender is not a resident of this state, the court 120
shall impose a class four suspension of the nonresident 121
operating privilege of the offender from the range specified in 122
division (A) (4) of section 4510.02 of the Revised Code. 123

(2) If the offender shows good cause why the court should 124
not suspend one of the types of licenses, permits, or privileges 125
specified in division (F) (1) of this section or deny the 126
issuance of one of the temporary instruction permits specified 127
in that division, the court in its discretion may choose not to 128
impose the suspension, revocation, or denial required in that 129
division, but the court, in its discretion, instead may require 130
the offender to perform community service for a number of hours 131
determined by the court. 132

(G) As used in this section, "object that is 133
indistinguishable from a firearm" means an object made, 134

constructed, or altered so that, to a reasonable person without 135
specialized training in firearms, the object appears to be a 136
firearm. 137

Section 2. That existing section 2923.122 of the Revised 138
Code is hereby repealed. 139

Section 3. Section 2923.122 of the Revised Code is 140
presented in this act as a composite of the section as amended 141
by both Am. Sub. H.B. 495 and Am. Sub. S.B. 337 of the 129th 142
General Assembly. The General Assembly, applying the principle 143
stated in division (B) of section 1.52 of the Revised Code that 144
amendments are to be harmonized if reasonably capable of 145
simultaneous operation, finds that the composite is the 146
resulting version of the section in effect prior to the 147
effective date of the section as presented in this act. 148