



OHIO LEGISLATIVE SERVICE COMMISSION

Bill Analysis

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(As Introduced)

Reps. Becker, Patton, Thompson, Retherford, Lang, Dean, Antani, Riedel, Roegner, Henne

BILL SUMMARY

Exceptions to carry prohibitions

- Expands who may carry a deadly weapon, handgun, or dangerous ordnance in school safety zones, courthouses, government facilities, and prohibited places.
- Authorizes certain individuals to carry firearms in school safety zones and government facilities.
- Exempts certain individuals from carry offenses in school safety zones, courthouses, and government facilities.
- Provides requirements for securing a school safety zone.
- Modifies the obligations of specified persons, boards, and entities, or their designees who are required to post prohibited carry signs.

Immunity

- Provides schools, government facilities, and persons authorized to carry firearms in school safety zones and government facilities with immunity for any injury, death, or loss allegedly caused or related to a person bringing a firearm into a school safety zone or government facility.

Illegal possession of a firearm in a government facility

- Creates the offense of illegal possession of a firearm in a government facility and makes a violation of the offense a fourth degree misdemeanor.

Modification of concealed carry penalties

- Generally reduces penalties for concealed handgun licensees or active duty members of the Armed Forces who carry firearms in D-liquor permit premises, school safety zones, courthouses, prohibited places, and posted premises.

Prohibited actions against concealed handgun licensees

- Prohibits boards of education, governing bodies of public schools, and public employers from discharging, disciplining, or discriminating against employees or contractors for lawfully carrying a concealed handgun.
- Prohibits a state institution of higher education from taking adverse actions against students, including loss of financial assistance and disciplinary action, for lawfully carrying a concealed handgun on premises owned or leased by the institution.

Public employment conflict of law for concealed carry

- Provides that concealed carry law prevails if a conflict of law exists in a public employment agreement.

Regulation of firearms and the right to bear arms

- Expands the scope of state regulation of firearms to include regulation of firearm accessories and attachments.

DEFEND-TWO

- Names the act's provisions the Decriminalization Effort For Ending Notorious Deaths – Teachers With Options (DEFEND-TWO).

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CONTENT AND OPERATION

Exceptions to carry prohibitions

Illegal conveyance or possession of a deadly weapon or dangerous ordnance in a school safety zone

Under current law, the offense of "illegal conveyance or possession of a deadly weapon or dangerous ordnance in a school safety zone" prohibits a person from doing any of the following:¹

(1) Knowingly conveying or attempting to convey a deadly weapon or dangerous ordnance into a school safety zone;

(2) Knowingly possessing a deadly weapon or dangerous ordnance in a school safety zone;

(3) Knowingly possessing an object in a school safety zone if both of the following apply: (a) the object is indistinguishable from a firearm, whether or not the object is capable of being fired, and (b) the person indicates that the person possesses the object and that it is a firearm, or the person knowingly displays or brandishes the object and indicates that it is a firearm.

A school safety zone consists of a school, school building, school premises, school activity, and school bus.²

¹ R.C. 2923.122(A), (B), and (C).

² R.C. 2901.01(C), not in the bill.



Persons to whom the offense does not apply – school safety zone

The bill expands the persons to whom the offense does not apply if at the time of the conveyance, attempted conveyance, or possession of the handgun, all of the following are true:³

-- The school safety zone is on property owned or leased by a public school district and the area in which the person conveys, attempts to convey, or possesses the handgun is not secured, or the school safety zone is on private property owned or leased by a chartered nonpublic school and the chartered nonpublic school has not posted a sign in a conspicuous location prohibiting deadly weapons and dangerous ordnance in a school safety zone;

-- The person is an active or reserve member of the Armed Forces, has retired from or was honorably discharged from military service, is a former law enforcement officer, or has successfully completed firearms training that exceeds the firearms training requirements for concealed handgun licensees;

-- The person makes reasonable efforts to keep the handgun concealed and secured on the person's person or within the person's immediate control or stores the handgun in a locked compartment.

Under current law, the offense does not apply to a concealed handgun licensee who is carrying a valid concealed handgun license or an active duty member of the Armed Forces who is carrying valid military identification and documentation of successful completion of firearms training that meets or exceeds the firearms training requirements for concealed handgun licensees in either of the following situations:⁴

-- The person does not enter into a school building or onto school premises; the person is not at a school activity; the person meets several specified requirements under federal law; and the person is not knowingly in one of the otherwise specifically prohibited places for concealed handgun licensees (i.e., a police station, state correctional institution, jail, courtroom, etc).

-- The person leaves the handgun in a motor vehicle; the handgun does not leave the motor vehicle; and if the person exits the motor vehicle, the person locks the motor vehicle.

³ R.C. 2923.122(D)(5).

⁴ R.C. 2923.122(D)(3) and (4) and 2923.126(B)(1), (3), and (8).

The offense also does not apply to governmental officers, law enforcement officers, security officers, persons with written authorization, or state employees under specified circumstances (see, "**Persons authorized to carry firearms – school safety zone**," below). Additionally, (3) above does not apply to home school premises, school administrators, teachers, or employees, or students under specified circumstances.⁵

School safety zone secured

The bill provides that a school safety zone is "secured" if all of the following are true:⁶

-- Access is restricted at each student entrance by a screening checkpoint or other security measures sufficient to intercept deadly weapons or dangerous ordnance.

-- Access is restricted at each student entrance by at least two persons authorized to carry firearms (see, "**Persons authorized to carry firearms – school safety zone**," below).

-- If 500 or more students are enrolled in a school, each student entrance has the following number of persons authorized to carry firearms: (a) three persons if there are 500, but less than 1,000 students, (b) four persons if there are 1,000, but less than 1,500 students, (c) five persons if there are 1,500, but less than 2,000 students, (d) six persons if there are 2,000, but less than 2,500 students, (e) seven persons if there are 2,500, but less than 3,000 students, (f) eight persons if there are 3,000, but less than 3,500 students, or (g) nine persons if there are 3,500 or more students (see, "**Persons authorized to carry firearms – school safety zone**," below).

Persons authorized to carry firearms – school safety zone

The following persons are authorized to carry firearms for purposes of securing a school safety zone:⁷

-- A governmental officer who is authorized to carry deadly weapons or dangerous ordnance and is acting within the scope of the officer's duties;

-- A law enforcement officer who is authorized to carry deadly weapons or dangerous ordnance;

⁵ R.C. 2923.122(D)(1) and (2).

⁶ R.C. 2923.122(G)(1).

⁷ R.C. 2923.122(D)(1).



-- 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 pursuant to that contract of employment;

-- 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 in a school safety zone and who conveys or possesses the deadly weapon or dangerous ordnance in accordance with that authorization;

-- A state or local employee who is authorized to carry deadly weapons or dangerous ordnance and who is compliant with the annual firearms requalification program, unless the appointing authority of the person has expressly specified that the exemption does not apply.

Immunity

The bill provides the following with immunity in a civil action for any injury, death, or loss to person or property that allegedly was caused by or related to a person bringing a firearm into a school safety zone:⁸

-- A school district, STEM school, community school, or chartered nonpublic school;

-- A person authorized to carry firearms in a school safety zone (see, "**Persons authorized to carry firearms – school safety zone**," above), unless the person acted with malicious purpose, in bad faith, or in a wanton or reckless manner.

Modification of penalties

The bill reduces the penalty for a violation of the offense for concealed handgun licensees and active duty members of the Armed Forces. The penalty for a violation of the offense is a fourth degree misdemeanor if the offender is a concealed handgun licensee who is carrying a valid concealed handgun license or an active duty member of the Armed Forces who is carrying valid military identification and documentation of successful completion of firearms training that meets or exceeds the firearms training requirements for concealed handgun licensees.

Under current law, the penalty for a violation of the offense is generally a fifth degree felony, or a fourth degree felony if the offender has previously been convicted of or pleaded guilty to a violation of the offense.⁹

⁸ R.C. 2923.122(G)(2).

Illegal conveyance, possession, or control of a deadly weapon or dangerous ordnance in a courthouse

Under current law, the offenses of "illegal conveyance of a deadly weapon or dangerous ordnance into a courthouse," and "illegal possession or control of a deadly weapon or ordnance in a courthouse" prohibit a person from knowingly conveying, attempting to convey, possessing, or having a deadly weapon or dangerous ordnance in a courthouse.

The bill amends the current law prohibitions in two ways. First, the bill provides that the prohibitions apply unless carry of a deadly weapon or dangerous ordnance is permitted by a Rule of Superintendence, Supreme Court Rule, or Local Court Rule. The bill retains the current law prohibition that no one may carry a deadly weapon or ordnance if it is prohibited by a Rule of Superintendence, Supreme Court Rule, or Local Court Rule. Second, the bill expands the prohibitions to include a courtroom that is located in another building or structure or a location at which an official proceeding involving a judge or a magistrate is taking place.¹⁰

Persons to whom the offense does not apply – courthouse

The bill provides that the offenses do not apply to a concealed handgun licensee who is carrying a valid concealed handgun license or an active duty member of the Armed Forces who is carrying valid military identification and documentation of successful completion of firearms training that meets or exceeds the firearms training requirements for concealed handgun licensees unless at the time of the conveyance or attempted conveyance either of the following are true:¹¹

-- The court is in session.

-- Access to the courthouse, courtroom, or proceeding is restricted by a screening checkpoint or other security measures sufficient to intercept deadly weapons or dangerous ordnance and by at least two persons authorized to carry firearms at each public entrance.

⁹ R.C. 2923.122(E)(1).

¹⁰ R.C. 2923.123(A), (B), and (E) and 2923.126(B)(3) and (7).

¹¹ R.C. 2923.123(C)(6).



If either of the above applies and the officer who has charge of the courthouse or building provides services for the transfer and securing of a handgun, then under current law, the following must occur:¹²

-- The person must transfer possession of the handgun to the officer or officer's designee who has charge of the courthouse or building.

-- The officer must secure the handgun until the licensee is prepared to leave the premises.

Under current law, the offenses do not apply to judges, magistrates, peace officers, law enforcement officers, state employees, persons conveying or possessing evidence, bailiffs, deputy bailiffs, prosecutors, or secret service officers under specified circumstances.¹³

Modification of penalties

The bill reduces the penalty for a violation of either offense for concealed handgun licensees and active duty members of the Armed Forces. The penalty for a violation of each offense is a fourth degree misdemeanor if the offender is a concealed handgun licensee who is carrying a valid concealed handgun license or an active duty member of the Armed Forces who is carrying valid military identification and documentation of successful completion of firearms training that meets or exceeds the firearms training requirements for concealed handgun licensees and the exemption does not apply (see, "**Persons to whom the offense does not apply – courthouse,**" above).

Under current law, the penalty for a violation of each offense is generally a fifth degree felony, or a fourth degree felony if the offender has previously been convicted of or pleaded guilty to a violation of the offense.¹⁴

Illegal possession of a firearm in a government facility

The bill creates the offense of "illegal possession of a firearm in a government facility" which prohibits a person from knowingly possessing a firearm in any area of a building that is a government facility of this state or a political subdivision of this state where access is restricted by a screening checkpoint or other security measures sufficient to intercept deadly weapons or dangerous ordinance and by at least two

¹² R.C. 2923.123(C)(6).

¹³ R.C. 2923.126(C).

¹⁴ R.C. 2923.123(D).

persons authorized to carry firearms at each public entrance, unless the governing body with authority over the building has enacted a statute, ordinance, or policy that permits all or certain specific persons to carry firearms into that area of the building.¹⁵

A government facility of this state or a political subdivision of this state is either of the following: (a) a building or part of a building that is owned or leased by the government of this state or a political subdivision of this state and where employees of the government of this state or the political subdivision of this state regularly are present for the purpose of performing their official duties as employees of the state or political subdivision, or (b) the office of a deputy registrar of motor vehicles and that is being used to perform deputy registrar functions.¹⁶

The penalty for a violation of the offense is a fourth degree misdemeanor.¹⁷

Persons authorized to carry firearms – government facility

The bill authorizes the following persons to carry firearms in a government facility:¹⁸

-- A governmental officer who is authorized to carry firearms and is acting within the scope of the officer's duties;

-- A law enforcement officer who is authorized to carry firearms and is acting within the scope of the officer's duties;

-- A state employee who is authorized to carry deadly weapons or dangerous ordinance and who is compliant with the annual firearms requalification program, unless the appointing authority of the person has expressly specified that the exemption does not apply.

Locations where the offense does not apply – government facility

The bill provides that the offense does not apply to the following locations:¹⁹

-- A building that is used primarily for a shelter, restroom, parking facility for motor vehicles, or rest facility;

¹⁵ R.C. 2923.22(A).

¹⁶ R.C. 2923.22(E).

¹⁷ R.C. 2923.22(C).

¹⁸ R.C. 2923.22(B)(3) and (4).

¹⁹ R.C. 2923.22(B)(1) and (2).

-- A courthouse or courtroom (see, "**Illegal conveyance, possession, or control of a deadly weapon or dangerous ordnance in a courthouse,**" above).

Immunity

The bill provides the following with immunity in a civil action for any injury, death, or loss to person or property that allegedly was caused by or related to a person bringing a firearm into a government facility:²⁰

-- The governing body of a government facility of this state or a political subdivision of this state;

-- A person authorized to carry firearms in a government facility, unless the person acted with malicious purpose, in bad faith, or in a wanton or reckless manner (see, "**Persons authorized to carry firearms – government facility,**" above).

Carrying concealed weapons

Under current law, the offense of "carrying concealed weapons" prohibits a person from knowingly carrying or having concealed on a person's person or concealed ready at hand a handgun.²¹

Persons to whom the offense does not apply – concealed weapons

Under current law, the offense does not apply to a concealed handgun licensee who is carrying a valid concealed handgun license or an active duty member of the Armed Forces who is carrying valid military identification and documentation of successful completion of firearms training that meets or exceeds the firearms training requirements for concealed handgun licensees, unless the person is knowingly in a prohibited place (see "**Prohibited places,**" below).²²

Prohibited places

Under current law, a concealed handgun licensee is prohibited from carrying a concealed handgun into a prohibited place. The bill modifies the current law list of prohibited places as follows:²³

²⁰ R.C. 2923.22(D).

²¹ R.C. 2923.12(A)(2).

²² R.C. 2923.12(C)(2).

²³ R.C. 2923.126(B) and (C)(4).

Prohibited place under current law	Modification under the bill
A police station, sheriff's office, State Highway Patrol station, premises controlled by the Bureau of Criminal Identification and Investigation, state correctional institution, jail, workhouse, detention facility.	Allows carry if permitted by the governing body with authority over the premises. Allows carry in any portions of the building used for other purposes.
Any area of an airport passenger terminal beyond a passenger or property screening checkpoint or to which access is restricted.	Allows carry if permitted by the governing body with authority over the premises.
A Department of Mental Health and Addiction Services or Department of Developmental Disabilities institution.	Allows carry if permitted by the governing body with authority over the premises. Allows carry in any portions of the building used for other purposes. Allows carry in any part of the institution that consists only of administrative offices.
A school safety zone.	See changes described above in " Illegal conveyance or possession of a deadly weapon or dangerous ordnance in a school safety zone. "
A courthouse, a courtroom that is located in another building or structure, or an official proceeding involving a judge or magistrate.	See changes described above in " Illegal conveyance, possession, or control of a deadly weapon or dangerous ordnance in a courthouse. "
Any premises or open air arena for which a D-liquor permit has been issued.	See changes described below in " Illegal possession of a firearm in a liquor permit premises. "
Any premises owned or leased by any public or private college, university, or other institution of higher education, unless: (a) the handgun is locked in a motor vehicle, (b) the licensee is in the immediate process of placing the handgun in a locked motor vehicle, or (c) the licensee is carrying the concealed handgun pursuant to a written policy, rule, or other authorization adopted by the institution's board of trustees or other governing body that authorizes specific individuals or classes or individuals to carry a concealed handgun on the premises.	Prohibits carry in public colleges, <i>public</i> universities, and <i>public</i> institutions of higher education where access is restricted by a screening checkpoint or other security measures sufficient to intercept deadly weapons or dangerous ordnance and by at least two persons authorized to carry firearms at each public entrance. Allows carry if the policy, rule, or authorization adopted authorizes individuals to carry a concealed or <i>secured</i> handgun on the premises.
Any place of worship, unless the place of worship posts or permits otherwise.	No change.



Any building that is a state or local government facility that is not used primarily as a shelter, restroom, motor vehicle parking facility, or rest facility and is not a courthouse or other building or structure in which a courtroom is located, unless the governing body with authority over the building has enacted a statute, ordinance, or policy that permits a concealed handgun licensee to carry a concealed handgun into the building.	Prohibits carry in any area of a building that is a government facility where access is restricted by a screening checkpoint or other security measures sufficient to intercept deadly weapons or dangerous ordnance and by at least two persons authorized to carry firearms at each public entrance. Allows carry if the statute, ordinance, or policy permits <i>all or certain specific licensees</i> to carry a concealed handgun into the building.
Any place in which federal law prohibits the carrying of handguns.	No change.

Posting of prohibited carry signs

Under current law, specified persons, boards, and entities, or their designees responsible for various premises are required to post in a conspicuous place on the premises 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 bill modifies the current law requirement in two ways. First, the bill eliminates the requirement that a sign must be posted if the governing body with authority over the premises permits all or certain persons to carry deadly weapons or dangerous ordnance on the premises. Second, the bill modifies the current law list of required postings as follows:²⁴

Prohibited place under current law	Individual or entity responsible for posting the sign under current law	Modification under the bill
Police stations, municipal jails, and municipal courthouses and courtrooms	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	No change.
Sheriff's office	The sheriff or the sheriff's designee	No change.
Highway patrol station	The Superintendent of the State Highway Patrol	No change.
Jails, workhouses, community-based correctional facilities, halfway houses,	The sheriff, chief of police, or person in charge of the facility or a designee of that person	No change.

²⁴ R.C. 2923.1212(A).



Prohibited place under current law	Individual or entity responsible for posting the sign under current law	Modification under the bill
alternative residential facilities and other state or local correctional institutions or detention facilities		
Airport facility	The board of trustees of the regional airport authority, chief administrative officer, or other person in charge of the facility	Requires a sign at each passenger or property screening checkpoint and wherever access is restricted through security measures by the airport authority or public agency.
Courthouses or buildings or structures in which a courtroom is located	The officer or officer's designee who has charge of the courthouse, building, or structure	Requires the officer or officer's designee who has charge of the courthouse or a courtroom that is located in another building or structure to post.
Premises controlled by the Bureau of Criminal Identification and Investigation	The Superintendent of the Bureau of Criminal Identification and Investigation or the Superintendent's designee	No change.
A child day-care center, a type A family day-care home, or a type B family day-care home	The owner, administrator, or operator of the center or home	Eliminates the requirement to post a prohibited carry sign.
A government facility of the state or a political subdivision of the state that is not a building used primarily as a shelter, restroom, parking facility for motor vehicles, or rest facility	The state or political subdivision officer who has charge of the building or the officer's designee	Requires a sign wherever access is restricted by a screening checkpoint or other security measures sufficient to intercept deadly weapons or dangerous ordnance.

Modification of penalties – prohibited places

The bill modifies the penalty for a violation of the offense for concealed handgun licensees and active duty members of the Armed Forces who are knowingly in a



prohibited place. The penalty for a violation of the offense is a fourth degree misdemeanor if all of the following apply:²⁵

-- The offender is being arrested for a violation of the offense;

-- The offender is a concealed handgun licensee who is carrying a valid concealed handgun license or an active duty member of the Armed Forces who is carrying valid military identification and documentation of successful completion of firearms training that meets or exceeds the firearms training requirements for concealed handgun licensees.

-- The offender is knowingly in one of the following prohibited places, subject to certain restrictions: a police station, sheriff's office, or State Highway Patrol station, premises controlled by the Bureau of Criminal Identification and Investigation, state correctional institution, jail, workhouse, detention facility, area of an airport passenger terminal beyond a passenger or property screening checkpoint or to which access is restricted, a Department of Mental Health and Addiction Services or Department of Developmental Disabilities institution, public institution of higher education, place of worship, government facility, or place prohibited by federal law.

If carrying firearms or concealed firearms is prohibited on the premises described in the preceding paragraph but no sign is posted, the penalty for a violation of the offense under the circumstances described in the two preceding paragraphs above is a minor misdemeanor subject to a fine of not more than \$25.²⁶

Under current law, repealed by the bill, the penalty for a violation of the offense is a minor misdemeanor if the offender is not authorized to carry or have a handgun concealed on the offender's person or concealed ready at hand, the offender is knowingly in a public institution of higher education, the offender produces a valid concealed handgun license within ten days after the arrest, and the offender has not previously been convicted of or pleaded guilty to a violation of the offense. The penalty is a fourth degree misdemeanor if the offender has previously been convicted of or pleaded guilty to a violation of the offense, a third degree misdemeanor if the offender has previously been convicted of or pleaded guilty to two violations of the offense, or a second degree misdemeanor if the offender has previously been convicted of or pleaded guilty to three or more violations of the offense or an offense of violence, or if the

²⁵ R.C. 2923.12(F)(7) and 2923.126(B)(1), (5), (6), (7), and (8).

²⁶ R.C. 2923.12(F)(7).



weapon involved is a firearm that is either loaded or for which the offender has ammunition ready at hand.²⁷

Modification of penalties – posted day-care premises

Under current law, the offense of "criminal trespass" prohibits a person from knowingly violating a posted prohibition on carrying firearms or concealed firearms on or onto private land or premises. The penalty for a violation of the offense is a fourth degree misdemeanor, or a civil action for trespass if the posted land or premises is primarily a parking lot or parking facility.

The offense of "aggravated trespass" prohibits a person from knowingly violating a posted prohibition at a child day-care center, type A family day-care home, or type B family day-care home, unless the person is a licensee who resides in the family day-care home. Under current law, the penalty for a violation of the offense specific to day-cares is generally a first degree misdemeanor, or a fourth degree felony if the offender has previously been convicted of or pleaded guilty to a violation of the offense or an offense of violence, if the weapon involved is either loaded or for which the offender has ammunition ready at hand, or if the weapon is a dangerous ordnance.

The bill eliminates the penalties for a violation of the offense specific to day-cares. The bill provides that if the child day-care center, type A family day-care home, or type B family day-care home allows firearms on the premises, any person who carries a firearm on the premises must conceal and secure the firearm on the person's person or within the person's immediate control or store the firearm in a locked compartment. The penalties described above for the offense of "criminal trespass" will apply regarding a person who knowingly violates a posted prohibition at any day-care that does not allow firearms on the premises.²⁸

Illegal possession of a firearm in a liquor permit premises

Under current law, the offense of "illegal possession of a firearm in a liquor permit premises" prohibits a person from possessing a firearm in any room in which any person is consuming beer or intoxicating liquor in a premises for which a D permit has been issued or in an open air arena for which a permit of that nature has been issued. The bill modifies this offense by adding a mens rea of "knowingly," so that

²⁷ R.C. 2923.12(F)(7).

²⁸ R.C. 2923.126(C)(3)(a).



persons are prohibited from *knowingly* possessing a firearm under those circumstances.²⁹

Persons to whom the offense does not apply – D-liquor permit premises

Under current law, the prohibition does not apply to a concealed handgun licensee who is carrying a valid concealed handgun license or an active duty member of the Armed Forces who is carrying valid military identification and documentation of successful completion of firearms training that meets or exceeds the firearms training requirements for concealed handgun licensees as long as the person is not consuming beer or intoxicating liquor or under the influence of alcohol or a drug of abuse.³⁰

The offense does not apply to government officers, law enforcement officers, state employees, and peace officers under specified circumstances.³¹

Modification of penalties

The bill reduces the penalty for a violation of the offense for concealed handgun licensees and active duty members of the Armed Forces. The penalty for a violation of the offense is a fourth degree misdemeanor if the offender is a concealed handgun licensee who is carrying a valid concealed handgun license or an active duty member of the Armed Forces who is carrying valid military identification and documentation of successful completion of firearms training that meets or exceeds the firearms training requirements for concealed handgun licensees.³²

Under current law, the penalty for a violation of the offense is generally a fifth degree felony, or a third degree felony if the offender commits the violation by knowingly carrying or having the firearm concealed on the offender's person or concealed ready at hand.³³

Prohibited actions against concealed carry

The bill prohibits a board of education, governing body of a public school, or public employer from discharging, disciplining, or otherwise discriminating against any employee or contractor with respect to hire, tenure, terms, conditions, or privileges of

²⁹ R.C. 2923.121(A).

³⁰ R.C. 2923.121(B)(1)(e).

³¹ R.C. 2923.121(B).

³² R.C. 2923.121(E)(2).

³³ R.C. 2923.121(E)(1).

employment, or any matter directly or indirectly related to employment if the employee or contractor is lawfully carrying a concealed handgun (see, "**Illegal conveyance or possession of a deadly weapon or dangerous ordnance in a school safety zone**" and "Carrying concealed weapons," above). Any board of education, governing body of a public school, or public employer that violates the above is subject to a civil action for damages, injunctive relief, or any other appropriate relief.³⁴

The bill prohibits a state institution of higher education from taking adverse actions against students resulting in the loss of any form of financial assistance provided by that institution for educational expenses, including grants, scholarships, and fellowships, or taking disciplinary action, including the imposition of academic penalties, if all of the following are true:³⁵

- The student is enrolled in the state institution.
- The student possesses a valid concealed handgun license.
- The student's conduct is lawful (see, "**Carrying concealed weapons**," above).
- The action is taken solely because the student is carrying a concealed handgun on premises owned or leased by the institution.

Public employment conflict of law for concealed carry

Under current law, if a public employer and an exclusive representative enter an agreement, the agreement governs wages, hours, and terms and conditions of public employment covered by the agreement. If no agreement exists or if the agreement makes no specification about the matter, then the parties are subject to all applicable state or local laws or ordinances pertaining to wages, hours, and terms and conditions of employment for public employees. The bill provides that if provisions pertaining to the right of an employee who has been issued a concealed handgun license or who is authorized to carry a concealed handgun as an active duty member of the Armed Forces conflict, then the applicable concealed carry laws prevail (see, "**Illegal conveyance or possession of a deadly weapon or dangerous ordnance in a school safety zone**" and "**Carrying concealed weapons**," above).³⁶

³⁴ R.C. 2923.122(G)(3) and 2923.126(G).

³⁵ R.C. 3345.90(B).

³⁶ R.C. 4117.10(A)(1)(j).

Regulation of firearms and the right to bear arms

The bill provides that firearms may be regulated by "state statute" rather than by "state law." Under current law, firearms may also be regulated by the United States constitution, the Ohio Constitution, and federal law. Conversely, firearms may not be regulated by local authorities.

The bill expands the scope of exclusive regulation of firearms to include their "accessories" and "attachments." The scope under current law includes firearms, their components, and their ammunition. The expanded scope applies to firearm accessories and attachments that may be regulated by the above mechanisms concerning ownership, possession, purchase, other acquisition, transport, storage, carrying, sale, or other transfer and to firearm accessories and attachments that an individual has the right to own, possess, purchase, sell, transfer, transport, store, or keep.³⁷

Decriminalization Effort For Ending Notorious Deaths – Teachers With Options (DEFEND-TWO)

The bill names all of its provisions described above the Decriminalization Effort For Ending Notorious Deaths – Teachers With Options (DEFEND-TWO).³⁸

HISTORY

ACTION	DATE
Introduced	06-05-18

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³⁷ R.C. 9.68(A).

³⁸ Section 3.

