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H.B. 99
134th General Assembly

Bill Analysis

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Version: As Passed by the House

Primary Sponsor: Rep. Hall

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SUMMARY

- Expressly exempts a “person authorized to go armed within a school safety zone” from the current requirement that a public or private educational institution employee who goes armed while on duty must satisfactorily complete an approved basic peace officer training program.
- Modifies an exception, to current law prohibitions against having a weapon in a school safety zone, that applies to a person a school board or governing body authorizes to have weapons in such a zone so that it will apply with respect to a “person authorized to go armed within a school safety zone.”
- Requires that, to be a “person authorized to go armed within a school safety zone,” a person must do all of the following:
 - Have written authorization from the board or governing body of a school that does both of the following:
 - ❖ Authorizes the person to convey or possess deadly weapons or dangerous ordnance into a school safety zone within which the board or governing body has authority;
 - ❖ Specifies the manner in which the person may convey or possess deadly weapons or dangerous ordnance in a school safety zone within which the board or governing body has authority.
 - Convey or possess the deadly weapon or dangerous ordnance in accordance with that authorization;
 - Have a valid concealed handgun license;
 - Have successfully completed initial training, including 18 hours of general training and two hours of handgun training;

- Have successfully completed additional training, including two hours of general training and two hours of handgun training.
- Specifies content that the handgun training described in the preceding dot points must contain.
- Requires a board of education or governing body of a school that has authorized a person to go armed within a school to notify the public that the board or governing body has authorized a person to go armed within the school.

DETAILED ANALYSIS

Weapons in a school safety zone

Prohibitions and penalties

Existing law prohibits a person from: (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, or (3) knowingly possessing an object in a school safety zone if the object is indistinguishable from a firearm, whether or not the object is capable of being fired, and 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.¹

A violation of the prohibition described in clause (1) or (2) is the offense of “illegal conveyance or possession of a deadly weapon or dangerous ordnance in a school safety zone,” a fourth or fifth degree felony, depending on the circumstances of the offense. A violation of the prohibition described in clause (3) is the offense of “illegal possession of an object indistinguishable from a firearm in a school safety zone,” a first degree misdemeanor or fifth degree felony, depending on the circumstances of the offense.²

As used in these provisions, a “school safety zone” consists of a school, school building, school premises, school activity, and school bus.³

Exception for person authorized to go armed within a school safety zone

Existing law provides several exceptions to the prohibitions, including exceptions stating that they do not apply to: (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, or (2) 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

¹ R.C. 2923.122(A) to (C).

² R.C. 2923.122(E).

³ R.C. 2901.01(C), 2925.01, and 4511.01, not in the bill.

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.⁴ Other exceptions, not relevant to the bill, apply in specified circumstances to state or federal government personnel, law enforcement officers, persons employed in Ohio who are authorized to carry deadly weapons or dangerous ordnance, home schooling premises, and concealed handgun licensees and active duty members of the U.S. armed forces.⁵

The bill names the person described in clause (2) of the preceding paragraph a “person authorized to go armed within a school safety zone” and modifies the existing law requirements to qualify under that exception (see, “**Requirements to be a “person authorized to go armed within a school safety zone”**,” below). It also adds a requirement that the board of education or governing body of a school that authorizes a person to go armed within a school of the board or governing body must provide the public notice of the action, as described below in “**Requirements for a board or governing body of a school.**”⁶ The bill retains without change the other exceptions.

Elimination of basic peace officer training requirement

The bill expressly exempts, from an existing peace officer training requirement, a “person authorized to go armed within a school safety zone.”

Existing law specifies that no public or private educational institution or Superintendent of the State Highway Patrol may employ a person as a special police officer, security guard, or other position in which such person goes armed while on duty, who has not received a certificate of having satisfactorily completed an approved basic peace officer training program, unless the person has completed 20 years of active duty as a peace officer.⁷ Peace officer basic training is provided by training schools certified by the Ohio Peace Officer Training Commission (OPOTC).

The bill specifies that the existing provision described in the preceding paragraph does not apply with respect to the employment of a person by a board of education or governing body of a school in a position in which the person has been authorized by a board or governing body to voluntarily go armed within a school safety zone within which the board or governing body has authority, if both of the following apply with respect to the employment and person: (1) the person is a “person authorized to go armed within a school safety zone” (see, “**Requirements to be a “person authorized to go armed within a school**

⁴ R.C. 2923.122(D)(1).

⁵ R.C. 2923.122(D)(1) to (4).

⁶ R.C. 2923.122(D)(1)(d) and (G)(3)(a).

⁷ R.C. 109.78(D)(1).

safety zone,” below), and (2) the person is not being employed as a special police officer or security officer.⁸

The General Assembly declares in the bill that the purpose of the provisions described in the preceding paragraph is to expressly overrule the decision of the Ohio Supreme Court in *Gabbard v. Madison Local School Dist. Bd. of Edn.*⁹ In *Gabbard*, the Court held that the provision described in the second preceding paragraph prohibits a school from employing a person who goes armed while on duty in the person’s job unless the employee has satisfactorily completed an approved basic peace-officer-training program or has 20 years of experience as a peace officer, and that the exceptions described above in the first paragraph under **“Exception for person authorized to go armed within a school safety zone”** do not provide schools with a mechanism to circumvent that requirement.

Requirements to be a “person authorized to go armed within a school safety zone”

Requirements

The bill modifies the existing law requirements for a person to be a “person authorized to go armed within a school safety zone” (see, **“Exception for person authorized to go armed within a school safety zone,”** above).

The bill defines a “person authorized to go armed within a school safety zone” as a person to whom all of the following apply:¹⁰

1. The person has written authorization from the board or governing body of a school that authorizes the person to convey or possess deadly weapons or dangerous ordnance into a school safety zone within which the board or governing body has authority and that specifies the manner in which the person may convey or possess deadly weapons or dangerous ordnance in a school safety zone within which the board or governing body has authority;
2. The person conveys or possesses the deadly weapon or dangerous ordnance in accordance with that authorization;
3. The person has a valid concealed handgun license;
4. The person has successfully completed initial training (training that is completed prior to conveying or possessing a deadly weapon or dangerous ordnance into or in a school safety zone) consisting of general training and handgun training (see, **“Initial training”** and **“Handgun training,”** below), provided that this requirement does not apply to a law enforcement officer or school resource officer;

⁸ R.C. 109.78(D)(2).

⁹ R.C. 109.78(E) and *Gabbard v. Madison Local School Dist. Bd. of Edn.* (June 23, 2021), 165 Ohio St.3d 390, 2021-Ohio-2067.

¹⁰ R.C. 2923.122(D)(1)(d), (G)(1), (G)(3)(a), (G)(3)(c), and (G)(4).

5. The person has successfully completed annual additional training (training that is completed after completing the required initial training) consisting of general training and handgun training (see, “**Additional training**” and “**Handgun training**,” below), provided that this requirement does not apply to a law enforcement officer or school resource officer.

Fees and extra training

The bill requires that the board of education or governing body of a school pay all fees for the training described above in paragraphs (4) and (5), and provides that a board or governing body may require training in addition to the training requirements described in those clauses.¹¹

Initial training

Required under the bill

The bill requires that, to be a “person authorized to go armed within a school safety zone,” a person must successfully complete initial training (see, “**Requirements to be a “person authorized to go armed within a school safety zone”**,” above). The bill requires that OPOTC must recommend rules for the initial training to the Attorney General (the AG), who then must adopt rules governing the initial training. The rules must include all of the following:¹²

1. Rules governing 18 hours of general training that a person must successfully complete to be qualified to serve as a “person authorized to go armed within a school safety zone.” The rules must specify the content of the training and that the number of hours of training must not exceed 18 hours.
2. Rules governing two hours of handgun training that a person must successfully complete to be qualified to serve as a “person authorized to go armed within a school safety zone.” The rules must specify the content of the training, described below in “**Handgun training**,” and that the number of hours of training must not exceed two hours.

Extra training

The bill provides that a board of education or governing body of a school may require training in addition to the training requirements described above in paragraphs (1) and (2).¹³

¹¹ R.C. 2923.122(G)(3)(b) and (d).

¹² R.C. 109.73(A)(16) and (E) and 109.805(A), (C), and (E).

¹³ R.C. 109.805(D).

Additional training

Required under the bill

The bill requires that, to be a “person authorized to go armed within a school safety zone,” a person must successfully complete additional training (see, “**Requirements to be a “person authorized to go armed within a school safety zone”**,” above). The bill requires that the OPOTC must recommend rules for additional training to the AG, who then must adopt rules governing the additional training. The rules must include all of the following:¹⁴

1. Rules governing two hours of general training that a person must successfully complete, after receiving the initial training, to be qualified to serve as a “person authorized to go armed within a school safety zone.” The rules must specify the content of the training, that the number of hours of training must not exceed two hours, and that the training must be completed annually.
2. Rules governing two hours of handgun training that a person must successfully complete, after receiving the initial training, to be qualified to serve as a “person authorized to go armed within a school safety zone.” The rules must specify the content of the training, described below in “**Handgun training**,” that the number of hours of training must not exceed two hours, and that the training must be completed annually.

Extra training

The bill provides that a board of education or governing body of a school may require training in addition to the training requirements described above in paragraphs (1) and (2).¹⁵

Handgun training

Required under the bill

The content of the handgun training under the initial training described in paragraph (2) (see, “**Initial training**,” above) and under the additional training described in paragraph (2) (see, “**Additional training**,” above) must require a “person authorized to go armed within a school safety zone” to complete all of the following:¹⁶

1. Demonstrate proper loading and holstering procedures.
2. On signal, draw to close quarters retention position and fire three rounds into the preferred area. Upon completion, take appropriate post-shooting actions. The distance from the target must be four feet, the time allowed must be five seconds, and the number of rounds allowed must be three.

¹⁴ R.C. 109.73(A)(17) and (E) and 109.805(B), (C), and (E).

¹⁵ R.C. 109.805(D).

¹⁶ R.C. 109.805(C) and (E).

3. On signal, take flanking step while drawing and fire two rounds into the preferred area of the torso and then one round into the head circle. Upon completion, take appropriate post-shooting actions. The distance from the target must be nine feet, the time allowed must be six seconds, and the number of rounds allowed must be three.
4. On signal, take a flanking step while drawing and fire four rounds into the preferred area with dominant hand only. Upon completion, take appropriate post-shooting actions and remain at the high ready position with the handgun in the dominant hand. On command, transfer the handgun to the non-dominant hand and remain at a chest ready or compressed ready position. The distance from the target must be 12 feet, the time allowed must be eight seconds, and the number of rounds allowed must be four.
5. On signal, take a flanking step while presenting to the target and fire four rounds into the preferred area with nondominant hand only. Upon completion, take appropriate post-shooting actions. The distance from the target must be 12 feet, the time allowed must be seven seconds, and the number of rounds allowed must be four.
6. On signal, take a flanking step while drawing and fire three rounds into the preferred area. On slide lock, take a flanking step in the opposite direction while reloading and fire three additional rounds into the preferred area. Upon completion, take appropriate post-shooting actions. The handgun must be prepared with one round in the chamber and two in the magazine. The distance from the target must be 20 feet, the time allowed must be 12 seconds, and the number of rounds allowed must be six.
7. On signal, take a flanking step while drawing and fire three rounds into the preferred area. Upon completion, take appropriate post-shooting actions. The distance from the target must be 30 feet, the time allowed must be eight seconds, and the number of rounds allowed must be three.
8. On signal, take a flanking step while drawing and fire two rounds into the preferred area. Upon completion, take appropriate post-shooting actions. The distance from the target must be 50 feet, the time allowed must be eight seconds, and the number of rounds allowed must be two.
9. Demonstrate proper unloading and clearing procedures.

Extra training

The bill provides that a board of education or governing body of a school may require training in addition to the training requirements described above in paragraphs (1) to (9).¹⁷

Requirements for a board or governing body of a school

The bill requires that the board of education or governing body of a school must notify the public if the board or governing body has authorized a person to go armed within the school. It requires that the board or governing body must notify the public, by whatever means

¹⁷ R.C. 109.805(D).

the school regularly communicates with the public, that the board or governing body has authorized one or more persons to go armed within a school of the board or governing body. The public notice is not a “security record” or “infrastructure record” that is exempt from the Public Records Law. The bill states that the above provisions should not be construed as requiring the disclosure of information that is not a public record.¹⁸

Irrelevant language

The bill includes a provision, in uncodified law, that purports to require the AG, not later than 120 days after the bill’s effective date, to file proposals of the “rules described in R.C. 109.748(A)(3) and (4), as enacted in the bill,” with the Secretary of State, the Director of the Legislative Service Commission, and the Joint Committee on Agency Rule Review.¹⁹ R.C. 109.748 currently exists, but it does not include a division (A)(3) or (4) and it is not included in or amended by the bill – the uncodified law provision was included in a prior draft of the bill that would have amended R.C. 109.748 to include those divisions and, due to an oversight, the provision was not removed when R.C. 109.748 was removed from the bill.

HISTORY

Action	Date
Introduced	02-09-21
Reported, H. Criminal Justice	11-10-21
Passed House (59-33)	11-17-21

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¹⁸ R.C. 149.433(B)(1), (2), and (4) and 2923.122(D)(1)(d).

¹⁹ Section 3.