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H.B. 272
135th General Assembly

Bill Analysis

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Version: As Passed by the House

Primary Sponsors: Reps. Matthews and Pizzulli

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SUMMARY

Illegal conveyance, possession, or control in a courthouse or another building or structure

- Creates an exception to the prohibition on illegal conveyance, possession, or control of a handgun into a building or structure in which a courtroom is located for concealed handgun licensees and qualifying adults.
- Specifies the requirements that must be met in order for the exception to apply.

Relief from weapons disability

- Requires, if a person is prohibited from carrying firearms and is not an Ohio resident, and the prohibition is based on an indictment, a conviction of or plea of guilty to an offense, or a delinquent child adjudication, that an application for relief be filed in the county in which the conviction, guilty plea, or adjudication occurred.
- Adds “guilty plea” to the Relief from Weapons Disability Law that currently refers to “an indictment, conviction, or adjudication.”

DETAILED ANALYSIS

Illegal conveyance, possession, or control in a courthouse or another building or structure

Under current law, the offense of “illegal conveyance of a deadly weapon or dangerous ordnance into a courthouse” prohibits a person from knowingly conveying or attempting to

convey a deadly weapon or dangerous ordnance into a courthouse or another building or structure in which a courtroom is located.¹

Under current law, the offense of “illegal possession or control of a deadly weapon or dangerous ordnance in a courthouse” prohibits a person from knowingly possessing or having under the person’s control a deadly weapon or dangerous ordnance in a courthouse or in another building or structure in which a courtroom is located.²

Generally the penalty for a violation of either prohibition is a fifth degree felony. If the offender previously has been convicted of a violation of either prohibition, the penalty for a violation of the offense is a fourth degree felony.³

Exception for carrying in a building or structure in which a courtroom is located

The bill creates an exception to the above offenses for a concealed handgun licensee or qualifying adult who conveys or attempts to convey a handgun into a building or structure in which a courtroom is located or possesses or has under the person’s control a handgun in a building or structure in which a courtroom is located. The person must have been issued a concealed handgun license that is valid at the time of the conveyance, possession, or control or must be a qualifying adult (a person who engages in constitutional carry) at the time of the conveyance, possession, or control, and all of the following must apply:⁴

- The building or structure in which the courtroom is located is not a courthouse.
- The building or structure in which the courtroom is located is a government facility of this state or a political subdivision of this state.
- The court and the office of the clerk of courts are not in operation at the time of the conveyance, possession, or control.
- The governing body with control over the building or structure in which the courtroom is located has enacted a statute, ordinance, or policy that permits a concealed handgun licensee or qualifying adult to convey, possess, or control a handgun into the building or structure in which the courtroom is located.

Definitions

The bill uses the following definitions:

- **“Governing body”** means:⁵

¹ R.C. 2923.123(A) and (D)(1).

² R.C. 2923.123(B) and (D)(2).

³ R.C. 2923.123(D)(1) and (2).

⁴ R.C. 2923.111, not in the bill, and 2923.123(C)(7).

⁵ R.C. 154.01(G), not in the bill, and 2923.123(F)(1).

- In the case of institutions of higher education, the board of trustees, the board of directors, commission, or other body vested by law with the general management, conduct, and control of one or more institutions of higher education;
- In the case of a county, the board of county commissioners or other legislative body; in the case of a municipal corporation, the council or other legislative body; in the case of a township, the board of township trustees; in the case of a school district, the board of education;
- In the case of any other governmental agency, the officer, board, commission, authority, or other body having the general management thereof or having jurisdiction or authority in the particular circumstances.
- **“Government facility of the state or political subdivision of the state”** means any of the following:⁶
 - 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 regularly are present for the purpose of performing their official duties as employees of the state or political subdivision;
 - The office of the deputy registrar serving pursuant to R.C. Chapter 4503 that is used to perform deputy registrar functions.

Relief from weapons disability

Subject to certain exceptions, a person who is prohibited from acquiring, having, carrying, or using firearms may apply to the court of common pleas for relief from such a prohibition. A person who has been convicted of or pleaded guilty to “unlawful use of a weapon by a violent career criminal” or a person who, two or more times, has been convicted of or pleaded guilty to a felony and a specified firearm specification is not eligible to apply for relief from such a prohibition.⁷

Filing for out-of-state residents

The bill requires that if the person is not an Ohio resident and the prohibition is based on an indictment, a conviction of or plea of guilty to an offense, or a delinquent child adjudication, an application for relief from the prohibition must be filed in the court of common pleas of the county in which the indictment was entered or in which the conviction, guilty plea, or adjudication occurred. Under current law, if the person is an Ohio resident, an application for relief from the prohibition must be filed in the court of common pleas of the county in which the person resides.⁸

⁶ R.C. 2923.123(F)(2) and 2923.126(G)(3), not in the bill.

⁷ R.C. 2923.14(A), 2923.132, 2941.141, 2941.144, 2941.145, 2941.146, 2941.1412, and 2941.1424, not in the bill.

⁸ R.C. 2923.14(A).

Addition of “guilty plea”

The bill adds “guilty plea” to the Relief from Weapons Disability Law that currently refers to an “indictment, conviction, or adjudication.”⁹

Application for relief from weapons disability

The application for relief from weapons disability must recite the following:¹⁰

- All indictments, convictions *or guilty pleas* (added by the bill), or adjudications upon which the applicant’s disability is based, the sentence imposed and served, and any release granted under a community control sanction, post-release control sanction, or parole, any partial or conditional pardon granted, or other disposition of each case, or, if the disability is based upon a factor other than an indictment, a conviction *or guilty plea* (added by the bill), or an adjudication, the factor upon which the disability is based and all details relating to that factor;
- Facts showing the applicant to be a fit subject for relief.

Granting the application for relief

The court, upon a hearing, may grant the applicant relief from weapons disability, if all of the following apply:¹¹

- (a) If the disability is based on upon an indictment, a conviction *or guilty plea* (added by the bill), or an adjudication, the applicant has been fully discharged from imprisonment, community control, post-release control, and parole, or, if the applicant is under indictment, has been released on bail or recognizance or (b) if the disability is based upon a factor other than an indictment, a conviction *or guilty plea* (added by the bill), or an adjudication, that factor no longer is applicable to the applicant;
- The applicant has led a law-abiding life since the discharge or release, and appears likely to continue to do so;
- The applicant is not otherwise prohibited by law from acquiring, having, or using firearms.

Relief from disability

Relief from weapons disability restores the applicant to all civil firearms rights to the full extent enjoyed by any citizen, and is subject to the following conditions:¹²

⁹ R.C. 2923.14(B), (D), and (F).

¹⁰ R.C. 2923.14(B).

¹¹ R.C. 2923.14(D).

¹² R.C. 2923.14(F).

- Applies only with respect to the indictments, convictions *or guilty pleas* (added by the bill), or adjudications, or to the other factor recited in the application as the basis for the applicant’s disability;
- Applies only with respect to firearms lawfully acquired, possessed, carried, or used by the applicant;
- May be revoked by the court at any time for good cause shown and upon notice to the applicant;
- Is automatically void upon having violated the offense of “having weapons while under disability.”

HISTORY

Action	Date
Introduced	09-18-23
Reported, H. Government Oversight	11-15-23
Passed House (57-29)	12-06-23