

As Introduced

133rd General Assembly

Regular Session

2019-2020

H. B. No. 658

Representative Galonski

A BILL

To amend sections 109.78, 2923.11, and 2923.122 of
the Revised Code to require firearms training
for school employees approved to convey firearms
into a school safety zone.

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

Section 1. That sections 109.78, 2923.11, and 2923.122 of
the Revised Code be amended to read as follows:

Sec. 109.78. (A) The executive director of the Ohio peace
officer training commission, on behalf of the commission and in
accordance with rules promulgated by the attorney general, shall
certify persons who have satisfactorily completed approved
training programs designed to qualify persons for positions as
special police, security guards, or persons otherwise privately
employed in a police capacity and issue appropriate certificates
to such persons. Application for approval of a training program
designed to qualify persons for such positions shall be made to
the commission. An application for approval shall be submitted
to the commission with a fee of one hundred twenty-five dollars,
which fee shall be refunded if the application is denied. Such
programs shall cover only duties and jurisdiction of such

security guards and special police privately employed in a 20
police capacity when such officers do not qualify for training 21
under section 109.71 of the Revised Code. A person attending an 22
approved basic training program administered by the state shall 23
pay to the agency administering the program the cost of the 24
person's participation in the program as determined by the 25
agency. A person attending an approved basic training program 26
administered by a county or municipal corporation shall pay the 27
cost of the person's participation in the program, as determined 28
by the administering subdivision, to the county or the municipal 29
corporation. A person who is issued a certificate for 30
satisfactory completion of an approved basic training program 31
shall pay to the commission a fee of fifteen dollars. A 32
duplicate of a lost, spoliated, or destroyed certificate may be 33
issued upon application and payment of a fee of fifteen dollars. 34
Such certificate or the completion of twenty years of active 35
duty as a peace officer shall satisfy the educational 36
requirements for appointment or commission as a special police 37
officer or special deputy of a political subdivision of this 38
state. 39

(B) (1) The executive director of the Ohio peace officer 40
training commission, on behalf of the commission and in 41
accordance with rules promulgated by the attorney general, shall 42
certify basic firearms training programs, and shall issue 43
certificates to class A, B, or C licensees or prospective class 44
A, B, or C licensees under Chapter 4749. of the Revised Code and 45
to registered or prospective employees of such class A, B, or C 46
licensees who have satisfactorily completed a basic firearms 47
training program of the type described in division (A) (1) of 48
section 4749.10 of the Revised Code. 49

Application for approval of a basic firearms training 50

program shall be made to the commission. An application shall be 51
submitted to the commission with a fee of one hundred dollars, 52
which fee shall be refunded if the application is denied. 53

A person who is issued a certificate for satisfactory 54
completion of an approved basic firearms training program shall 55
pay a fee of ten dollars to the commission. A duplicate of a 56
lost, spoliated, or destroyed certificate may be issued upon 57
application and payment of a fee of five dollars. 58

(2) The executive director, on behalf of the commission 59
and in accordance with rules promulgated by the attorney 60
general, also shall certify firearms requalification training 61
programs and instructors for the annual requalification of class 62
A, B, or C licensees under Chapter 4749. of the Revised Code and 63
registered or prospective employees of such class A, B, or C 64
licensees who are authorized to carry a firearm under section 65
4749.10 of the Revised Code. Application for approval of a 66
training program or instructor for such purpose shall be made to 67
the commission. Such an application shall be submitted to the 68
commission with a fee of fifty dollars, which fee shall be 69
refunded if the application is denied. 70

(3) The executive director, upon request, also shall 71
review firearms training received within three years prior to 72
November 23, 1985, by any class A, B, or C licensee or 73
prospective class A, B, or C licensee, or by any registered or 74
prospective employee of any class A, B, or C licensee under 75
Chapter 4749. of the Revised Code to determine if the training 76
received is equivalent to a basic firearms training program that 77
includes twenty hours of handgun training and five hours of 78
training in the use of other firearms, if any other firearm is 79
to be used. If the executive director determines the training 80

was received within the three-year period and that it is 81
equivalent to such a program, the executive director shall issue 82
written evidence of approval of the equivalency training to the 83
licensee or employee. 84

(C) There is hereby established in the state treasury the 85
peace officer private security fund, which shall be used by the 86
Ohio peace officer training commission to administer the 87
training program to qualify persons for positions as special 88
police, security guards, or other private employment in a police 89
capacity, as described in division (A) of this section, and the 90
training program in basic firearms and the training program for 91
firearms requalification, both as described in division (B) of 92
this section. All fees paid to the commission by applicants for 93
approval of a training program designed to qualify persons for 94
such private police positions, basic firearms training program, 95
or a firearms requalification training program or instructor, as 96
required by division (A) or (B) of this section, by persons who 97
satisfactorily complete a private police training program or a 98
basic firearms training program, as required by division (A) or 99
(B) of this section, or by persons who satisfactorily requalify 100
in firearms use, as required by division (B)(2) of section 101
4749.10 of the Revised Code, shall be transmitted to the 102
treasurer of state for deposit in the fund. The fund shall be 103
used only for the purpose set forth in this division. 104

(D) No public or private educational institution or 105
superintendent of the state highway patrol shall employ a person 106
as a special police officer, security guard, or other position 107
in which such person goes armed while on duty, who has not 108
received a certificate of having satisfactorily completed an 109
approved basic peace officer training program, unless the person 110
has completed twenty years of active duty as a peace officer. 111

This division does not apply to a school employee who carries a 112
concealed handgun in accordance with division (D) (1) (a) (iv) of 113
section 2923.122 of the Revised Code, provided that the 114
employee's primary duties are unrelated or incidental to the 115
provision of security services. 116

Sec. 2923.11. As used in sections 2923.11 to 2923.24 of 117
the Revised Code: 118

(A) "Deadly weapon" means any instrument, device, or thing 119
capable of inflicting death, and designed or specially adapted 120
for use as a weapon, or possessed, carried, or used as a weapon. 121

(B) (1) "Firearm" means any deadly weapon capable of 122
expelling or propelling one or more projectiles by the action of 123
an explosive or combustible propellant. "Firearm" includes an 124
unloaded firearm, and any firearm that is inoperable but that 125
can readily be rendered operable. 126

(2) When determining whether a firearm is capable of 127
expelling or propelling one or more projectiles by the action of 128
an explosive or combustible propellant, the trier of fact may 129
rely upon circumstantial evidence, including, but not limited 130
to, the representations and actions of the individual exercising 131
control over the firearm. 132

(C) "Handgun" means any of the following: 133

(1) Any firearm that has a short stock and is designed to 134
be held and fired by the use of a single hand; 135

(2) Any combination of parts from which a firearm of a 136
type described in division (C) (1) of this section can be 137
assembled. 138

(D) "Semi-automatic firearm" means any firearm designed or 139

140 specially adapted to fire a single cartridge and automatically
141 chamber a succeeding cartridge ready to fire, with a single
142 function of the trigger.

143 (E) "Automatic firearm" means any firearm designed or
144 specially adapted to fire a succession of cartridges with a
145 single function of the trigger.

146 (F) "Sawed-off firearm" means a shotgun with a barrel less
147 than eighteen inches long, or a rifle with a barrel less than
148 sixteen inches long, or a shotgun or rifle less than twenty-six
149 inches long overall. "Sawed-off firearm" does not include any
150 firearm with an overall length of at least twenty-six inches
151 that is approved for sale by the federal bureau of alcohol,
152 tobacco, firearms, and explosives under the "Gun Control Act of
153 1968," 82 Stat. 1213, 18 U.S.C. 921(a)(3), but that is found by
154 the bureau not to be regulated under the "National Firearms
155 Act," 68A Stat. 725 (1934), 26 U.S.C. 5845(a).

156 (G) "Zip-gun" means any of the following:

157 (1) Any firearm of crude and extemporized manufacture;

158 (2) Any device, including without limitation a starter's
159 pistol, that is not designed as a firearm, but that is specially
160 adapted for use as a firearm;

161 (3) Any industrial tool, signalling device, or safety
162 device, that is not designed as a firearm, but that as designed
163 is capable of use as such, when possessed, carried, or used as a
164 firearm.

165 (H) "Explosive device" means any device designed or
166 specially adapted to cause physical harm to persons or property
167 by means of an explosion, and consisting of an explosive
168 substance or agency and a means to detonate it. "Explosive

device" includes without limitation any bomb, any explosive 169
demolition device, any blasting cap or detonator containing an 170
explosive charge, and any pressure vessel that has been 171
knowingly tampered with or arranged so as to explode. 172

(I) "Incendiary device" means any firebomb, and any device 173
designed or specially adapted to cause physical harm to persons 174
or property by means of fire, and consisting of an incendiary 175
substance or agency and a means to ignite it. 176

(J) "Ballistic knife" means a knife with a detachable 177
blade that is propelled by a spring-operated mechanism. 178

(K) "Dangerous ordnance" means any of the following, 179
except as provided in division (L) of this section: 180

(1) Any automatic or sawed-off firearm, zip-gun, or 181
ballistic knife; 182

(2) Any explosive device or incendiary device; 183

(3) Nitroglycerin, nitrocellulose, nitrostarch, PETN, 184
cyclonite, TNT, picric acid, and other high explosives; amatol, 185
tritonite, tetrytol, pentolite, peccretol, cyclitol, and other 186
high explosive compositions; plastic explosives; dynamite, 187
blasting gelatin, gelatin dynamite, sensitized ammonium nitrate, 188
liquid-oxygen blasting explosives, blasting powder, and other 189
blasting agents; and any other explosive substance having 190
sufficient brisance or power to be particularly suitable for use 191
as a military explosive, or for use in mining, quarrying, 192
excavating, or demolitions; 193

(4) Any firearm, rocket launcher, mortar, artillery piece, 194
grenade, mine, bomb, torpedo, or similar weapon, designed and 195
manufactured for military purposes, and the ammunition for that 196
weapon; 197

(5) Any firearm muffler or suppressor;	198
(6) Any combination of parts that is intended by the owner	199
for use in converting any firearm or other device into a	200
dangerous ordnance.	201
(L) "Dangerous ordnance" does not include any of the	202
following:	203
(1) Any firearm, including a military weapon and the	204
ammunition for that weapon, and regardless of its actual age,	205
that employs a percussion cap or other obsolete ignition system,	206
or that is designed and safe for use only with black powder;	207
(2) Any pistol, rifle, or shotgun, designed or suitable	208
for sporting purposes, including a military weapon as issued or	209
as modified, and the ammunition for that weapon, unless the	210
firearm is an automatic or sawed-off firearm;	211
(3) Any cannon or other artillery piece that, regardless	212
of its actual age, is of a type in accepted use prior to 1887,	213
has no mechanical, hydraulic, pneumatic, or other system for	214
absorbing recoil and returning the tube into battery without	215
displacing the carriage, and is designed and safe for use only	216
with black powder;	217
(4) Black powder, priming quills, and percussion caps	218
possessed and lawfully used to fire a cannon of a type defined	219
in division (L) (3) of this section during displays,	220
celebrations, organized matches or shoots, and target practice,	221
and smokeless and black powder, primers, and percussion caps	222
possessed and lawfully used as a propellant or ignition device	223
in small-arms or small-arms ammunition;	224
(5) Dangerous ordnance that is inoperable or inert and	225
cannot readily be rendered operable or activated, and that is	226

kept as a trophy, souvenir, curio, or museum piece; 227

(6) Any device that is expressly excepted from the 228
definition of a destructive device pursuant to the "Gun Control 229
Act of 1968," 82 Stat. 1213, 18 U.S.C. 921(a)(4), as amended, 230
and regulations issued under that act; 231

(7) Any firearm with an overall length of at least twenty- 232
six inches that is approved for sale by the federal bureau of 233
alcohol, tobacco, firearms, and explosives under the "Gun 234
Control Act of 1968," 82 Stat. 1213, 18 U.S.C. 921(a)(3), but 235
that is found by the bureau not to be regulated under the 236
"National Firearms Act," 68A Stat. 725 (1934), 26 U.S.C. 237
5845(a). 238

(M) "Explosive" means any chemical compound, mixture, or 239
device, the primary or common purpose of which is to function by 240
explosion. "Explosive" includes all materials that have been 241
classified as division 1.1, division 1.2, division 1.3, or 242
division 1.4 explosives by the United States department of 243
transportation in its regulations and includes, but is not 244
limited to, dynamite, black powder, pellet powders, initiating 245
explosives, blasting caps, electric blasting caps, safety fuses, 246
fuse igniters, squibs, cordeau detonnant fuses, instantaneous 247
fuses, and igniter cords and igniters. "Explosive" does not 248
include "fireworks," as defined in section 3743.01 of the 249
Revised Code, or any substance or material otherwise meeting the 250
definition of explosive set forth in this section that is 251
manufactured, sold, possessed, transported, stored, or used in 252
any activity described in section 3743.80 of the Revised Code, 253
provided the activity is conducted in accordance with all 254
applicable laws, rules, and regulations, including, but not 255
limited to, the provisions of section 3743.80 of the Revised 256

Code and the rules of the fire marshal adopted pursuant to 257
section 3737.82 of the Revised Code. 258

(N) (1) "Concealed handgun license" or "license to carry a 259
concealed handgun" means, subject to division (N) (2) of this 260
section, a license or temporary emergency license to carry a 261
concealed handgun issued under section 2923.125 or 2923.1213 of 262
the Revised Code or a license to carry a concealed handgun 263
issued by another state with which the attorney general has 264
entered into a reciprocity agreement under section 109.69 of the 265
Revised Code. 266

(2) A reference in any provision of the Revised Code to a 267
concealed handgun license issued under section 2923.125 of the 268
Revised Code or a license to carry a concealed handgun issued 269
under section 2923.125 of the Revised Code means only a license 270
of the type that is specified in that section. A reference in 271
any provision of the Revised Code to a concealed handgun license 272
issued under section 2923.1213 of the Revised Code, a license to 273
carry a concealed handgun issued under section 2923.1213 of the 274
Revised Code, or a license to carry a concealed handgun on a 275
temporary emergency basis means only a license of the type that 276
is specified in section 2923.1213 of the Revised Code. A 277
reference in any provision of the Revised Code to a concealed 278
handgun license issued by another state or a license to carry a 279
concealed handgun issued by another state means only a license 280
issued by another state with which the attorney general has 281
entered into a reciprocity agreement under section 109.69 of the 282
Revised Code. 283

(O) "Valid concealed handgun license" or "valid license to 284
carry a concealed handgun" means a concealed handgun license 285
that is currently valid, that is not under a suspension under 286

division (A) (1) of section 2923.128 of the Revised Code, under 287
section 2923.1213 of the Revised Code, or under a suspension 288
provision of the state other than this state in which the 289
license was issued, and that has not been revoked under division 290
(B) (1) of section 2923.128 of the Revised Code, under section 291
2923.1213 of the Revised Code, or under a revocation provision 292
of the state other than this state in which the license was 293
issued. 294

(P) "Misdemeanor punishable by imprisonment for a term 295
exceeding one year" does not include any of the following: 296

(1) Any federal or state offense pertaining to antitrust 297
violations, unfair trade practices, restraints of trade, or 298
other similar offenses relating to the regulation of business 299
practices; 300

(2) Any misdemeanor offense punishable by a term of 301
imprisonment of two years or less. 302

(Q) "Alien registration number" means the number issued by 303
the United States citizenship and immigration services agency 304
that is located on the alien's permanent resident card and may 305
also be commonly referred to as the "USCIS number" or the "alien 306
number." 307

(R) "Active duty" has the same meaning as defined in 10 308
U.S.C. 101. 309

(S) "School employee" means an employee of any of the 310
following: 311

(1) A school district or educational service center; 312

(2) A community school established under Chapter 3314. of 313
the Revised Code; 314

(3) A STEM or STEAM school established under Chapter 3326. 315
of the Revised Code; 316

(4) A nonpublic school for which the state board of 317
education prescribes minimum standards under division (D) of 318
section 3301.07 of the Revised Code. 319

Sec. 2923.122. (A) No person shall knowingly convey, or 320
attempt to convey, a deadly weapon or dangerous ordnance into a 321
school safety zone. 322

(B) No person shall knowingly possess a deadly weapon or 323
dangerous ordnance in a school safety zone. 324

(C) No person shall knowingly possess an object in a 325
school safety zone if both of the following apply: 326

(1) The object is indistinguishable from a firearm, 327
whether or not the object is capable of being fired. 328

(2) The person indicates that the person possesses the 329
object and that it is a firearm, or the person knowingly 330
displays or brandishes the object and indicates that it is a 331
firearm. 332

(D) (1) This section does not apply to any of the 333
following: 334

(a) (i) An officer, agent, or employee of this or any other 335
state or the United States who is authorized to carry deadly 336
weapons or dangerous ordnance and is acting within the scope of 337
the officer's, agent's, or employee's duties, ~~or a~~ 338

(ii) A law enforcement officer who is authorized to carry 339
deadly weapons or dangerous ordnance, ~~or a~~ 340

(iii) A security officer employed by a board of education 341

or governing body of a school during the time that the security 342
officer is on duty pursuant to that contract of employment, ~~or~~ 343
~~any;~~ 344

(iv) Any other person who has written authorization from 345
the board of education or governing body of a school to convey 346
deadly weapons or dangerous ordnance into a school safety zone 347
or to possess a deadly weapon or dangerous ordnance in a school 348
safety zone and who conveys or possesses the deadly weapon or 349
dangerous ordnance in accordance with that authorization, and 350
who has completed a course of advanced firearms training taught 351
by an expert that includes instruction on dealing with an active 352
shooter in a school or classroom environment. 353

(b) Any person who is employed in this state, who is 354
authorized to carry deadly weapons or dangerous ordnance, and 355
who is subject to and in compliance with the requirements of 356
section 109.801 of the Revised Code, unless the appointing 357
authority of the person has expressly specified that the 358
exemption provided in division (D)(1)(b) of this section does 359
not apply to the person. 360

(2) Division (C) of this section does not apply to 361
premises upon which home schooling is conducted. Division (C) of 362
this section also does not apply to a school administrator, 363
teacher, or employee who possesses an object that is 364
indistinguishable from a firearm for legitimate school purposes 365
during the course of employment, a student who uses an object 366
that is indistinguishable from a firearm under the direction of 367
a school administrator, teacher, or employee, or any other 368
person who with the express prior approval of a school 369
administrator possesses an object that is indistinguishable from 370
a firearm for a legitimate purpose, including the use of the 371

object in a ceremonial activity, a play, reenactment, or other 372
dramatic presentation, school safety training, or a ROTC 373
activity or another similar use of the object. 374

(3) This section does not apply to a person who conveys or 375
attempts to convey a handgun into, or possesses a handgun in, a 376
school safety zone if, at the time of that conveyance, attempted 377
conveyance, or possession of the handgun, all of the following 378
apply: 379

(a) The person does not enter into a school building or 380
onto school premises and is not at a school activity. 381

(b) The person is carrying a valid concealed handgun 382
license or the person is an active duty member of the armed 383
forces of the United States and is carrying a valid military 384
identification card and documentation of successful completion 385
of firearms training that meets or exceeds the training 386
requirements described in division (G)(1) of section 2923.125 of 387
the Revised Code. 388

(c) The person is in the school safety zone in accordance 389
with 18 U.S.C. 922(q)(2)(B). 390

(d) The person is not knowingly in a place described in 391
division (B)(1) or (B)(3) to (8) of section 2923.126 of the 392
Revised Code. 393

(4) This section does not apply to a person who conveys or 394
attempts to convey a handgun into, or possesses a handgun in, a 395
school safety zone if at the time of that conveyance, attempted 396
conveyance, or possession of the handgun all of the following 397
apply: 398

(a) The person is carrying a valid concealed handgun 399
license or the person is an active duty member of the armed 400

forces of the United States and is carrying a valid military 401
identification card and documentation of successful completion 402
of firearms training that meets or exceeds the training 403
requirements described in division (G) (1) of section 2923.125 of 404
the Revised Code. 405

(b) The person leaves the handgun in a motor vehicle. 406

(c) The handgun does not leave the motor vehicle. 407

(d) If the person exits the motor vehicle, the person 408
locks the motor vehicle. 409

(E) (1) Whoever violates division (A) or (B) of this 410
section is guilty of illegal conveyance or possession of a 411
deadly weapon or dangerous ordnance in a school safety zone. 412
Except as otherwise provided in this division, illegal 413
conveyance or possession of a deadly weapon or dangerous 414
ordnance in a school safety zone is a felony of the fifth 415
degree. If the offender previously has been convicted of a 416
violation of this section, illegal conveyance or possession of a 417
deadly weapon or dangerous ordnance in a school safety zone is a 418
felony of the fourth degree. 419

(2) Whoever violates division (C) of this section is 420
guilty of illegal possession of an object indistinguishable from 421
a firearm in a school safety zone. Except as otherwise provided 422
in this division, illegal possession of an object 423
indistinguishable from a firearm in a school safety zone is a 424
misdemeanor of the first degree. If the offender previously has 425
been convicted of a violation of this section, illegal 426
possession of an object indistinguishable from a firearm in a 427
school safety zone is a felony of the fifth degree. 428

(F) (1) In addition to any other penalty imposed upon a 429

person who is convicted of or pleads guilty to a violation of 430
this section and subject to division (F) (2) of this section, if 431
the offender has not attained nineteen years of age, regardless 432
of whether the offender is attending or is enrolled in a school 433
operated by a board of education or for which the state board of 434
education prescribes minimum standards under section 3301.07 of 435
the Revised Code, the court shall impose upon the offender a 436
class four suspension of the offender's probationary driver's 437
license, restricted license, driver's license, commercial 438
driver's license, temporary instruction permit, or probationary 439
commercial driver's license that then is in effect from the 440
range specified in division (A) (4) of section 4510.02 of the 441
Revised Code and shall deny the offender the issuance of any 442
permit or license of that type during the period of the 443
suspension. 444

If the offender is not a resident of this state, the court 445
shall impose a class four suspension of the nonresident 446
operating privilege of the offender from the range specified in 447
division (A) (4) of section 4510.02 of the Revised Code. 448

(2) If the offender shows good cause why the court should 449
not suspend one of the types of licenses, permits, or privileges 450
specified in division (F) (1) of this section or deny the 451
issuance of one of the temporary instruction permits specified 452
in that division, the court in its discretion may choose not to 453
impose the suspension, revocation, or denial required in that 454
division, but the court, in its discretion, instead may require 455
the offender to perform community service for a number of hours 456
determined by the court. 457

(G) As used in this section, "object that is 458
indistinguishable from a firearm" means an object made, 459

constructed, or altered so that, to a reasonable person without 460
specialized training in firearms, the object appears to be a 461
firearm. 462

Section 2. That existing sections 109.78, 2923.11, and 463
2923.122 of the Revised Code are hereby repealed. 464