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H.B. 99
134th General Assembly

Bill Analysis

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Version: As Reported by House Criminal Justice

Primary Sponsor: Rep. Hall

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SUMMARY

- Expressly exempts a “person authorized to go armed within a school safety zone” from satisfactorily completing an approved basic peace officer training program.
- Requires a “person authorized to go armed within a school safety zone” to do all of the following:
 - The person must 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.
 - The person must convey or possess the deadly weapon or dangerous ordnance in accordance with that authorization;
 - The person must have a valid concealed handgun license;
 - The person must have successfully completed initial training, including 18 hours of general training and two hours of handgun training;
 - The person must 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 the board of education or governing body of a school to notify the public that the board or governing body has authorized a person to go armed within the school.

DETAILED ANALYSIS

School safety zone

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 exceptions from the prohibitions, including exceptions, relevant to the bill, 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 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

The bill names the person described in clause (2) a “person authorized to go armed within a school safety zone” and modifies the existing law requirements (see, “**Requirements for a person authorized to go armed within a school safety zone,**” below).⁵

¹ R.C. 2923.122(A) to (C).

² R.C. 2923.122(E).

³ R.C. 2901.01(C), not in the bill.

⁴ R.C. 2923.122(D)(1)(c) and (d).

⁵ R.C. 2923.122(G)(3)(a).

Eliminates Basic Peace Officer Training Program requirement

The bill expressly exempts a “person authorized to go armed within a school safety zone” from satisfactorily completing an approved basic peace officer training program.

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 for a similar law enforcement or security 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.⁶ Peace officer basic training is provided by the Ohio Peace Officer Training Commission (OPOTC).

The bill specifies that the above provision 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 for a person authorized to go armed within a school safety zone,**” below), and (2) the person is not being employed as a special police officer or security officer.⁷

The General Assembly declares in the bill that the purpose of the provisions is to expressly overrule the decision of the Ohio Supreme Court in *Gabbard v. Madison Local School District*.⁸

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

The bill modifies the existing law requirements for 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:⁹

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 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;

⁶ R.C. 109.78(D)(1).

⁷ R.C. 109.78(D)(2).

⁸ R.C. 109.78(E) and *Gabbard v. Madison Local School Dist. Bd. of Edn.*, Slip Opinion No. 2021-Ohio-2067.

⁹ R.C. 2923.122(D)(1)(d), (G)(1), (G)(3)(a), and (G)(4).

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) (see, “**Initial training**” and “**Handgun training**,” below);
5. The person has successfully completed annual additional training (training that is completed after completing the initial training) (see, “**Additional training**” and “**Handgun training**,” below).

The bill requires that the board of education or governing body of a school pay all fees for the training described in clauses (4) and (5), and provides that they may require training in addition to the training requirements described in clauses (4) and (5). Further, the bill specifies that those training requirements do not apply to a law enforcement officer or a school resource officer.¹⁰

Initial training

The bill requires that a “person authorized to go armed within a school safety zone” must successfully complete initial training (see, “**Requirements for a person authorized to go armed within a school safety zone**,” above). The bill requires that the Ohio Peace Officer Training Commission must recommend rules for the initial training to the Attorney General and that the Attorney General must adopt those rules. The rules shall include all of the following:¹¹

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 and that the number of hours of training must not exceed two hours.

The bill provides that a board of education or governing body of a school may require training in addition to the training requirements described in clauses (1) and (2).¹²

Additional training

The bill requires that a “person authorized to go armed within a school safety zone” must successfully complete additional training (see, “**Requirements for a person authorized to go armed within a school safety zone**,” above). The bill requires that

¹⁰ R.C. 2923.122(G)(3)(b), (c), and (d).

¹¹ R.C. 109.73(A)(16) and (E) and 109.805(A), (C), and (E).

¹² R.C. 109.805(D).

the Ohio Peace Officer Training Commission must recommend rules for additional training to the Attorney General and that the Attorney General must adopt those rules. The rules shall include all of the following:¹³

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, that the number of hours of training must not exceed two hours, and that the training must be completed annually.

The bill provides that a board of education or governing body of a school may require training in addition to the training requirements described in clauses (1) and (2).¹⁴

Handgun training

The content of the initial training described in clause (2) (see, “**Initial training**,” above) and the additional training described in clause (2) (see, “**Additional training**,” above) must require a “person authorized to go armed within a school safety zone” to complete all of the following:¹⁵

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.
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 nondominant 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.

¹³ R.C. 109.73(A)(17) and (E) and 109.805(B), (C), and (E).

¹⁴ R.C. 109.805(D).

¹⁵ R.C. 109.805(C).

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 needs to 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.

The bill provides that a board of education or governing body of a school may require training in addition to the training requirements described in clauses (1) to (9).¹⁶

Requirements for a board or governing body of a school

The bill requires the board of education or governing body of a school to notify the public that the board or governing body has authorized a person to go armed within the school.

The bill requires that the board of education or governing body of a school must notify the public, by whatever means 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 above provisions should not be construed as requiring the disclosure of information that is not a public record.¹⁷

¹⁶ R.C. 109.805(D).

¹⁷ R.C. 149.433(B)(1), (2), and (4) and 2923.122(D)(1)(d).

HISTORY

Action	Date
Introduced	02-09-21
Reported, H. Criminal Justice	11-10-21
