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Bill Analysis

Version: As Introduced

Primary Sponsor: Rep. Stoltzfus

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SUMMARY

- Creates the offense of “criminal trespass with a deadly weapon,” that prohibits a concealed handgun licensee or qualified military member from conveying or attempting to convey a deadly weapon into a prohibited place and doing either of the following:
 - Refusing or failing to leave upon being discovered and being requested to leave by the owner, lessee, or person in control of the premises or by that individual’s agent or employee;
 - Returning within 30 days to the same premises while knowingly in possession of a deadly weapon without privilege to do so.
- Makes the penalty for a violation of the offense a fourth degree misdemeanor.
- Provides that a concealed handgun licensee or qualified military member who is discovered carrying a deadly weapon in violation of one of several specified offenses is subject to removal but is not guilty of that offense, but may be guilty of criminal trespass with a deadly weapon.
- Allows the governing body of a government facility to enact a statute, ordinance, or policy to permit all or certain specific licensees to carry a concealed handgun into the building or any portion of the building.
- Creates the defined term “qualified military member.”

DETAILED ANALYSIS

Criminal trespass with a deadly weapon

General prohibition

The bill creates the offense of “criminal trespass with a deadly weapon” that prohibits a concealed handgun licensee or qualified military member from knowingly conveying or

attempting to convey a deadly weapon into a prohibited place or posted premises and doing either of the following:¹

- Refusing or failing to leave upon being discovered and being requested to leave by the owner, lessee, or person in control of the premises or by that individual's agent or employee;
- Returning within 30 days to the same premises while knowingly in possession of a deadly weapon without privilege to do so.

The penalty for a violation of the offense is a fourth degree misdemeanor.²

The bill allows a law enforcement officer or security officer to record any violation of the offense to determine whether the person has entered the same land or premises more than once within 30 days while knowingly in possession of a deadly weapon.

Except as otherwise permitted by law, a law enforcement officer must not seize or authorize the seizure of the person's deadly weapon, ammunition, or accessories upon discovering a person conveying or attempting to convey a deadly weapon into a place where the weapon is prohibited, unless the person also commits a violation of the offense as described above.³

Carrying concealed weapons

The offense of "carrying concealed weapons" prohibits a person from knowingly carrying or having, concealed on the person's person or concealed ready at hand, any of the following: (1) a deadly weapon other than a handgun, (2) a handgun other than a dangerous ordnance, or (3) a dangerous ordnance.

The bill provides that a person who has a valid concealed handgun license or who is a qualified military member and who is discovered carrying a concealed deadly weapon onto land or premises in violation of the offense is subject to removal from the premises but is not guilty of carrying concealed weapons. If the person refuses or fails to leave the premises upon being requested to do so by the individual in control of the premises or by that individual's agent or employee, or returns within 30 days to the same land or premises while knowingly in possession of a deadly weapon in violation of the offense, the person is guilty of criminal trespass with a deadly weapon as described above.⁴

¹ R.C. 2923.1215(A) and (B).

² R.C. 2923.1215(B).

³ R.C. 2923.1215(C) and (D).

⁴ R.C. 2923.12(A) and (F)(4).

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

The offense of “illegal conveyance or possession of a deadly weapon or dangerous ordnance in a school safety zone” prohibits a person from knowingly conveying, attempting to convey, or possessing a deadly weapon or dangerous ordnance into a school safety zone.

The bill provides that a person who has a valid concealed handgun license or who is a qualified military member and who is discovered carrying a concealed deadly weapon in a school safety zone in violation of the offense is subject to removal from the school safety zone but is not guilty of illegal conveyance or possession of a deadly weapon or dangerous ordnance in a school safety zone. If the person refuses or fails to leave the school safety zone upon being requested to do so by the individual in control of the premises or by that individual’s agent or employee, or returns within 30 days to the same school safety zone while knowingly in possession of a deadly weapon in violation of the offense, the person is guilty of criminal trespass with a deadly weapon as described above.⁵

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

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 dangerous ordnance in a courthouse” prohibit a person from knowingly conveying, attempting to convey, possessing, or having under the person’s control a deadly weapon or dangerous ordnance into a courthouse or another building or structure in which a courtroom is located.

The bill provides that a person who has a valid concealed handgun license or who is a qualified military member and who is discovered conveying, possessing, or controlling a deadly weapon in violation of the offense is subject to removal from the premises but is not guilty of illegal conveyance of a deadly weapon or dangerous ordnance into a courthouse or illegal possession or control of a deadly weapon or dangerous ordnance in a courthouse, as applicable. If the person refuses or fails to leave the premises upon being requested to do so by the individual in control of the premises or by that individual’s agent or employee, or returns within 30 days to the same premises while knowingly in possession of a deadly weapon in violation of the offense, the person is guilty of criminal trespass with a deadly weapon as described above.⁶

Trespass

The owner or person in control of private land or premises, and a private person or entity leasing land or premises owned by the state, the United States, or a political subdivision of the state or United States, may post a sign in a conspicuous location on that land or on those

⁵ R.C. 2923.122(A), (B), and (E)(1)(b).

⁶ R.C. 2923.123(A), (B), and (D)(3).

premises prohibiting persons from carrying firearms or concealed firearms on or onto that land or those premises.

The offense of “criminal trespass” prohibits a person from knowingly violating a posted prohibition.

The offense of “aggravated trespass” prohibits a person from knowingly violating a posted prohibition when the posted land or premises is a day-care center or home.

If a person knowingly violates a posted prohibition and the posted land or premises primarily is a parking lot or other parking facility, the person is not guilty of criminal trespass, and instead is subject to a civil cause of action for “trespass.”

The bill provides that a person who has a valid concealed handgun license or who is a qualified military member and who is discovered carrying a deadly weapon onto land or premises in violation of the offense is subject to removal from the land or premises but is not guilty of criminal trespass or aggravated trespass and is not subject to a civil cause of action for trespass. If the person refuses or fails to leave the land or premises upon being requested to do so by the owner, lessee, or person in control of the same land or premises or by the individual’s agent or employee, or returns within 30 days to the same land or premises while knowingly in possession of a deadly weapon in violation of the offense, the person is guilty of criminal trespass with a deadly weapon as described above.⁷

Government facilities

Under current law, a concealed handgun license does not authorize a concealed handgun licensee to carry a concealed handgun into any building that is a government facility of the state or a political subdivision of the state and that is not a building that is used primarily as a shelter, restroom, parking facility for motor vehicles, 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 licensee to carry a concealed handgun into the building. The bill allows the governing body to enact a statute, ordinance, or policy to permit *all or certain specific licensees* to carry a concealed handgun into the building *or any portion of the building*.⁸

Definition of qualified military member

Several locations within the Firearms Law refer to an active duty member of the Armed Forces of the United States who is carrying a valid military identification card and documentation of successful completion of firearms training that meets or exceeds the training

⁷ R.C. 2923.126(C)(3)(a) and (b).

⁸ R.C. 2923.126(B)(7).

requirements for a concealed handgun license. The bill creates the defined term “qualified military member” to refer to such persons.⁹

HISTORY

Action	Date
Introduced	10-19-21

H0455-I-134/ts

⁹ R.C. 2923.11(S), with conforming changes in R.C. 2923.12(C)(2) and (F)(7), 2923.121(B)(1)(e), 2923.122(D)(3)(b) and (D)(4)(a), 2923.123(C)(6), 2923.126(E)(2), and 2923.16(E) and (F)(5)(a).