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H.B. 99*
134th General Assembly

Bill Analysis

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Version: As Reported by Senate Veterans and Public Safety Committee

Primary Sponsor: Rep. Hall

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SUMMARY

Ohio School Safety and Crisis Center

- Creates the Ohio School Safety and Crisis Center within the Department of Public Safety to be operated by the Ohio Mobile Training Team (see below).

Firearms and school safety training

- Requires the Mobile Training Team to develop curriculum and provide instruction and training, including firearms training, that individuals may complete to be permitted to convey deadly weapons or dangerous ordnance into a school safety zone.
- Permits a school district board or school governing body to adopt alternate curriculum, instruction, and training, with Center approval, that individuals may complete to be permitted to convey deadly weapons or dangerous ordnance into a school safety zone.

List of individuals authorized to convey deadly weapons into a school safety zone

- Requires each district board or school governing body to provide to the Center a current list of the qualified personnel authorized to convey deadly weapons or dangerous ordnance into a school safety zone who have completed training through the Center or an alternate training adopted by the district or school.

* This analysis was prepared before the report of the Senate Veterans and Public Safety Committee appeared in the Senate Journal. Note that the legislative history may be incomplete.

Ohio Mobile Training Team

- Establishes the Ohio Mobile Training Team.
- Requires the Director of Public Safety to appoint a Chief Mobile Training Officer and appoint 16 regional mobile training officers that provide services regarding school and campus safety and security to primary and secondary schools.
- Requires an individual to be either a licensed peace officer or a veteran of the U.S. Armed Forces and to have completed any additional training requirements required by rule of the Department of Public Safety.

Weapons in a school safety zone

- 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 by the board or governing body to have weapons in such a zone, provided that:
 - Either the person has successfully completed the new curriculum and training established under the bill, or the person has received a certificate of satisfactory completion of an approved basic peace officer training program or is a law enforcement officer; and
 - The board or governing body has notified the public in a specified manner that the board or governing body has authorized one or more persons to go armed within a school it operates.
- Expressly exempts a person authorized to go armed within a school safety zone under the exception described in the preceding dot point 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.
- Requires a district board or school governing body that authorizes a person under the provision described above to require that person to submit to an annual criminal records check.

Appropriation

- Makes an appropriation for the Ohio Mobile Training Team.

DETAILED ANALYSIS

Ohio School Safety and Crisis Center

The bill creates the Ohio School Safety and Crisis Center within the Department of Public Safety to provide school safety services to school districts, other public schools, and private schools, including firearms training. It is operated by the Ohio Mobile Training Team (see below).

Firearms and school safety instruction

Under the bill, the Ohio Mobile Training Team must develop curriculum and provide instruction and training, including firearms training, that individuals not already authorized under continuing law to go armed within a school safety zone may complete to be permitted to do so.

The curriculum, instruction, and training must follow the Private Investigator and Security Guard Firearms Training Guidelines¹ and include instruction in the following:

- Mitigation techniques;
- Communications capabilities and coordination and collaboration techniques;
- Neutralization of potential threats and active shooters;
- Accountability;
- Reunifications;
- Psychology of critical incidents;
- De-escalation techniques;
- Crisis intervention;
- Trauma and first aid care;
- The history and pattern of school shootings;
- Tactics of responding to critical incidents in schools;
- At least four hours of training in scenario-based or simulated training exercises;
- Completion of tactical live firearms training; and
- Realistic urban training.

Initial instruction and training may not exceed 24 hours and annual requalification training may not exceed 8 hours. However, the bill also specifies that its provisions do not prohibit a school district or school from requiring additional training.²

It further requires district boards and governing bodies to pay all fees for training through the Center for individuals whom the district or school authorize to convey deadly weapons into a school safety zone under the district's or school's control.

The bill also permits a district or school to adopt alternate curriculum, instruction, and training, provided it includes the topics specified above. A district board or governing body that adopts an alternative regimen must submit it to the Ohio School Safety and Crisis Center for approval prior to granting authorization to an individual to convey deadly weapons or dangerous

¹ See R.C. 4749.06, not in the bill.

² R.C. 5502.703(B) and (C)(1); applies to community schools and STEM schools through references in R.C. 3314.03(A)(11)(d) and 3326.11.

ordnance into a school safety zone under the district's or school's control. The Center must approve submissions within 30 days after receipt.³

List of individuals authorized to convey deadly weapons into a school safety zone

The bill requires each school district board or school governing body to provide the School Safety and Crisis Center with a current list of qualified personnel it has authorized to convey deadly weapons or dangerous ordnance into a school safety zone who have completed training through the Center or an alternate regimen adopted by the district or school. The bill specifies that the list is not a public record.⁴

Ohio Mobile Training Team

The bill establishes the Ohio Mobile Training Team within the Department of Public Safety. Under the bill, the Director of Public Safety must appoint a Chief Mobile Training Officer within 90 days after the bill's effective date. The Director then must appoint 16 regional mobile training officers within 90 days after the Chief's appointment. The regional mobile training officers provide services regarding school and campus safety and security to public and nonpublic primary and secondary schools.⁵

Eligibility and training

To be eligible, a training officer must be either a licensed peace officer or a veteran of the U.S. Armed Forces who has been honorably discharged or who has been transferred to the reserve forces with evidence of satisfactory service and meet all additional qualifications required by rules of the Department of Public Safety.⁶

Powers and duties

The bill requires the Chief Mobile Training Officer to administer the program, adopt additional qualifications for regional mobile training officers, and to enforce rules and execute additional duties required by the Department of Public Safety.

The bill also specifies the following duties for each regional officer:

1. Assist administrators within the officer's region with the development or review of an emergency management plan,⁷ upon request;

³ R.C. 5502.703(C)(3).

⁴ R.C. 149.43(A)(1)(pp) and 5502.703(D).

⁵ R.C. 5502.01(L), 5502.70, and 5502.702.

⁶ R.C. 5502.701 and 5502.702.

⁷ R.C. 5502.262.

2. Assist administrators of a public or nonpublic school within the officer’s region with any other security protocols for activities or events outside of a school building during or after school hours, upon request;
3. Assist in strategic communications between federal, state, and local law enforcement agencies in the event of an emergency situation at a school or an institution of higher education within the officer’s region, upon request;
4. Offer tactical emergency medical services training to public and nonpublic schools within the officer’s region;
5. Promote the use of the SaferOH tip line within the officer’s region;⁸
6. Enforce rules and execute additional duties prescribed by either the Director of Public Safety or the Chief Mobile Training Officer;
7. Provide instruction and training through the Ohio School Safety and Crisis Center; and
8. Oversee training operations and offer training opportunities for school employees, which may include observing emergency management plan tests, providing weapons manipulation instruction, and other “appropriate activities.”⁹

The bill permits the Chief Mobile Training Officer and regional mobile training officers to enter into any necessary agreements to carry out their duties. But it also specifies that, generally, they do not have authority over the incident management structure or responsibilities of local emergency response personnel.¹⁰

Mobile training team regions

The bill prescribes 16 mobile training team regions to correspond with the regions of the Educational Regional Service System, as shown in the table below.¹¹

Region	Counties
1	Defiance, Fulton, Hancock, Henry, Lucas, Ottawa, Paulding, Putnam, Sandusky, Seneca, Van Wert, Williams, and Wood
2	Erie, Huron, and Lorain
3	Cuyahoga
4	Geauga and Lake

⁸ [Safer Ohio School Tip Line](https://ohioschoolsafetycenter.ohio.gov/home), which may be accessed by conducting a key search for “Safer Ohio School Tip Line” on the Ohio School Safety Center’s website, <https://ohioschoolsafetycenter.ohio.gov/home>.

⁹ R.C. 5502.702(B) and (C).

¹⁰ R.C. 5502.70(C) and (D).

¹¹ R.C. 5502.70(C). See R.C. 3312.02, not in the bill.

Region	Counties
5	Ashtabula, Mahoning, and Trumbull
6	Allen, Auglaize, Champaign, Hardin, Logan, Mercer, and Shelby
7	Ashland, Crawford, Knox, Marion, Morrow, Richland, and Wyandot
8	Medina, Portage, and Summit
9	Columbiana, Stark, and Wayne
10	Clark, Darke, Greene, Miami, Montgomery, and Preble
11	Delaware, Fairfield, Franklin, Licking, Madison, Pickaway, and Union
12	Belmont, Carroll, Coshocton, Guernsey, Harrison, Holmes, Jefferson, Muskingum, Noble, and Tuscarawas
13	Butler, Clermont, Hamilton, and Warren
14	Adams, Brown, Clinton, Fayette, and Highland
15	Lawrence, Pike, Ross, and Scioto
16	Athens, Gallia, Hocking, Jackson, Meigs, Monroe, Morgan, Perry, Vinton, and Washington

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.¹²

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

¹² R.C. 2923.122(A) to (C).

indistinguishable from a firearm in a school safety zone,” a first degree misdemeanor or fifth degree felony, depending on the circumstances of the offense.¹³

As used in these provisions, a “school safety zone” consists of a school, school building, school premises, school activity, and school bus.¹⁴

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

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 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.¹⁵ 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.¹⁶

The bill modifies the exception described in clause (2) of the preceding paragraph. Under the bill, the exception applies with respect to any person not covered by another exception if the person 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, provided both of the following apply: (1) either the person has successfully completed the curriculum, instruction, and training established under the bill’s provisions or the person has received a certificate of having satisfactorily completed an approved basic peace officer training program or is a law enforcement officer, and (2) the board or governing body has notified the public, by whatever means the affected school regularly communicates with the public, that the board or governing body has authorized one or more persons to go armed within a school operated by the board or governing authority.¹⁷

The bill requires a district board or school governing body that authorizes a person under the exception described above to require that person to submit to an annual criminal records check.

¹³ R.C. 2923.122(E).

¹⁴ R.C. 2901.01(C), 2925.01, and 4511.01, not in the bill.

¹⁵ R.C. 2923.122(D)(1).

¹⁶ R.C. 2923.122(D)(1) to (4).

¹⁷ R.C. 2923.122(D)(1)(d).

Elimination of basic peace officer training requirement

The bill expressly exempts, from an existing peace officer training requirement, specified categories of persons who are covered by the exception to the offense of “having weapons in a school safety zone” modified by the bill described above in **“Exception for person authorized to go armed within a school safety zone in specified circumstances.”**

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.¹⁸ 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 to a person who is employed by a board of education or governing body of a community school, STEM school, or chartered nonpublic school and who 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 within the category of persons authorized to go armed within a school safety zone specified above in **“Exception for person authorized to go armed within a school safety zone in specified circumstances,”** and (2) the person is not being employed as a special police officer or security officer.¹⁹

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.*²⁰ 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 in specified circumstances”** do not provide schools with a mechanism to circumvent that requirement.

Public notice requirement for a board or governing body of a school

As described above, the bill requires that, in order for a person to go armed within a school under the bill’s provisions described above in **“Exception for a person authorized to go armed within a school safety zone in specified circumstances,”** the board of education or governing body of a school must notify the public if the board or governing body

¹⁸ R.C. 109.78(D)(1).

¹⁹ R.C. 109.78(D)(2).

²⁰ 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.

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 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 a record that is such a public notification is a public record to the extent that it is required to be provided under the above provisions.²¹

Appropriation

The bill appropriates to the Department of Public Safety \$6 million in each of FY 2022 and FY 2023 for the purpose of administrating the Ohio Mobile Training Team.²²

HISTORY

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

ANHB0099RS-134/ar

²¹ R.C. 149.433(B)(1), (2), and (4) and 2923.122(D)(1)(d).

²² Sections 4 and 5 of the bill.