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OHIO LEGISLATIVE SERVICE COMMISSION

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H.B. 272
135th General Assembly

Bill Analysis

Version: As Introduced

Primary Sponsors: Matthews and Pizzulli

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SUMMARY

- Creates an exception to the prohibition on illegal conveyance, possession, or control of a deadly weapon or dangerous ordnance 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.

DETAILED ANALYSIS

Illegal conveyance or possession in a courthouse or 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

¹ R.C. 2923.123(A) and (D)(1).

² R.C. 2923.123(B) and (D)(2).

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

Exception for carry 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 deadly weapon or dangerous ordnance into a building or structure in which a courtroom is located or possesses or has under the person's control a deadly weapon or dangerous ordnance 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.
- Court is not in session 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 deadly weapon or dangerous ordnance into the building or structure in which the courtroom is located.

Definitions

The bill uses the following definitions:

- **“Governing body”** means:⁵
 - 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;

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 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 Chapter 4503 of the Revised Code that is used to perform deputy registrar functions.

HISTORY

Action	Date
Introduced	09-18-23

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