

**As Introduced**

**133rd General Assembly  
Regular Session  
2019-2020**

**H. B. No. 658**

**Representative Galonski**

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**A BILL**

To amend sections 109.78, 2923.11, and 2923.122 of 1  
the Revised Code to require firearms training 2  
for school employees approved to convey firearms 3  
into a school safety zone. 4

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

**Section 1.** That sections 109.78, 2923.11, and 2923.122 of 5  
the Revised Code be amended to read as follows: 6

**Sec. 109.78.** (A) The executive director of the Ohio peace 7  
officer training commission, on behalf of the commission and in 8  
accordance with rules promulgated by the attorney general, shall 9  
certify persons who have satisfactorily completed approved 10  
training programs designed to qualify persons for positions as 11  
special police, security guards, or persons otherwise privately 12  
employed in a police capacity and issue appropriate certificates 13  
to such persons. Application for approval of a training program 14  
designed to qualify persons for such positions shall be made to 15  
the commission. An application for approval shall be submitted 16  
to the commission with a fee of one hundred twenty-five dollars, 17  
which fee shall be refunded if the application is denied. Such 18  
programs shall cover only duties and jurisdiction of such 19

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.

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

(F) "Sawed-off firearm" means a shotgun with a barrel less 146  
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).

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

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

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

(3) Any industrial tool, signalling device, or safety 161  
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.

(H) "Explosive device" means any device designed or 165  
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, pecretol, 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 for use in converting any firearm or other device into a dangerous ordnance.	199 200 201
(L) "Dangerous ordnance" does not include any of the following:	202 203
(1) Any firearm, including a military weapon and the ammunition for that weapon, and regardless of its actual age, that employs a percussion cap or other obsolete ignition system, or that is designed and safe for use only with black powder;	204 205 206 207
(2) Any pistol, rifle, or shotgun, designed or suitable for sporting purposes, including a military weapon as issued or as modified, and the ammunition for that weapon, unless the firearm is an automatic or sawed-off firearm;	208 209 210 211
(3) Any cannon or other artillery piece that, regardless of its actual age, is of a type in accepted use prior to 1887, has no mechanical, hydraulic, pneumatic, or other system for absorbing recoil and returning the tube into battery without displacing the carriage, and is designed and safe for use only with black powder;	212 213 214 215 216 217
(4) Black powder, priming quills, and percussion caps possessed and lawfully used to fire a cannon of a type defined in division (L) (3) of this section during displays, celebrations, organized matches or shoots, and target practice, and smokeless and black powder, primers, and percussion caps possessed and lawfully used as a propellant or ignition device in small-arms or small-arms ammunition;	218 219 220 221 222 223 224
(5) Dangerous ordnance that is inoperable or inert and cannot readily be rendered operable or activated, and that is	225 226



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 detonant 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
<u>(S) "School employee" means an employee of any of the</u>	310
<u>following:</u>	311
<u>(1) A school district or educational service center;</u>	312
<u>(2) A community school established under Chapter 3314. of</u>	313
<u>the Revised Code;</u>	314

<u>(3) A STEM or STEAM school established under Chapter 3326.</u>	315
<u>of the Revised Code;</u>	316
<u>(4) A nonpublic school for which the state board of</u>	317
<u>education prescribes minimum standards under division (D) of</u>	318
<u>section 3301.07 of the Revised Code.</u>	319
<b>Sec. 2923.122.</b> (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) <u>(i)</u> 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, <del>and</del>	338
<u>(ii)</u> A law enforcement officer who is authorized to carry	339
deadly weapons or dangerous ordnance, <del>and</del>	340
<u>(iii)</u> 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