

As Passed by the Senate

133rd General Assembly

Regular Session

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S. B. No. 317

Senator Coley

**Cosponsors: Senators Brenner, Gavarone, Hoagland, Huffman, M., Huffman, S.,
Johnson, Obhof, Rulli, Schaffer**

A BILL

To amend section 109.78 of the Revised Code to 1
expressly exempt, from a requirement that peace 2
officer basic training be obtained, certain 3
employees that a board of education or governing 4
body of a school authorizes to go armed in a 5
school safety zone within which the board or 6
governing body has authority. 7

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

Section 1. That section 109.78 of the Revised Code be 8
amended to read as follows: 9

Sec. 109.78. (A) The executive director of the Ohio peace 10
officer training commission, on behalf of the commission and in 11
accordance with rules promulgated by the attorney general, shall 12
certify persons who have satisfactorily completed approved 13
training programs designed to qualify persons for positions as 14
special police, security guards, or persons otherwise privately 15
employed in a police capacity and issue appropriate certificates 16
to such persons. Application for approval of a training program 17
designed to qualify persons for such positions shall be made to 18

the commission. An application for approval shall be submitted 19
to the commission with a fee of one hundred twenty-five dollars, 20
which fee shall be refunded if the application is denied. Such 21
programs shall cover only duties and jurisdiction of such 22
security guards and special police privately employed in a 23
police capacity when such officers do not qualify for training 24
under section 109.71 of the Revised Code. A person attending an 25
approved basic training program administered by the state shall 26
pay to the agency administering the program the cost of the 27
person's participation in the program as determined by the 28
agency. A person attending an approved basic training program 29
administered by a county or municipal corporation shall pay the 30
cost of the person's participation in the program, as determined 31
by the administering subdivision, to the county or the municipal 32
corporation. A person who is issued a certificate for 33
satisfactory completion of an approved basic training program 34
shall pay to the commission a fee of fifteen dollars. A 35
duplicate of a lost, spoliated, or destroyed certificate may be 36
issued upon application and payment of a fee of fifteen dollars. 37
Such certificate or the completion of twenty years of active 38
duty as a peace officer shall satisfy the educational 39
requirements for appointment or commission as a special police 40
officer or special deputy of a political subdivision of this 41
state. 42

(B) (1) The executive director of the Ohio peace officer 43
training commission, on behalf of the commission and in 44
accordance with rules promulgated by the attorney general, shall 45
certify basic firearms training programs, and shall issue 46
certificates to class A, B, or C licensees or prospective class 47
A, B, or C licensees under Chapter 4749. of the Revised Code and 48
to registered or prospective employees of such class A, B, or C 49

licensees who have satisfactorily completed a basic firearms 50
training program of the type described in division (A) (1) of 51
section 4749.10 of the Revised Code. 52

Application for approval of a basic firearms training 53
program shall be made to the commission. An application shall be 54
submitted to the commission with a fee of one hundred dollars, 55
which fee shall be refunded if the application is denied. 56

A person who is issued a certificate for satisfactory 57
completion of an approved basic firearms training program shall 58
pay a fee of ten dollars to the commission. A duplicate of a 59
lost, spoliated, or destroyed certificate may be issued upon 60
application and payment of a fee of five dollars. 61

(2) The executive director, on behalf of the commission 62
and in accordance with rules promulgated by the attorney 63
general, also shall certify firearms requalification training 64
programs and instructors for the annual requalification of class 65
A, B, or C licensees under Chapter 4749. of the Revised Code and 66
registered or prospective employees of such class A, B, or C 67
licensees who are authorized to carry a firearm under section 68
4749.10 of the Revised Code. Application for approval of a 69
training program or instructor for such purpose shall be made to 70
the commission. Such an application shall be submitted to the 71
commission with a fee of fifty dollars, which fee shall be 72
refunded if the application is denied. 73

(3) The executive director, upon request, also shall 74
review firearms training received within three years prior to 75
November 23, 1985, by any class A, B, or C licensee or 76
prospective class A, B, or C licensee, or by any registered or 77
prospective employee of any class A, B, or C licensee under 78
Chapter 4749. of the Revised Code to determine if the training 79

received is equivalent to a basic firearms training program that 80
includes twenty hours of handgun training and five hours of 81
training in the use of other firearms, if any other firearm is 82
to be used. If the executive director determines the training 83
was received within the three-year period and that it is 84
equivalent to such a program, the executive director shall issue 85
written evidence of approval of the equivalency training to the 86
licensee or employee. 87

(C) There is hereby established in the state treasury the 88
peace officer private security fund, which shall be used by the 89
Ohio peace officer training commission to administer the 90
training program to qualify persons for positions as special 91
police, security guards, or other private employment in a police 92
capacity, as described in division (A) of this section, and the 93
training program in basic firearms and the training program for 94
firearms requalification, both as described in division (B) of 95
this section. All fees paid to the commission by applicants for 96
approval of a training program designed to qualify persons for 97
such private police positions, basic firearms training program, 98
or a firearms requalification training program or instructor, as 99
required by division (A) or (B) of this section, by persons who 100
satisfactorily complete a private police training program or a 101
basic firearms training program, as required by division (A) or 102
(B) of this section, or by persons who satisfactorily requalify 103
in firearms use, as required by division (B) (2) of section 104
4749.10 of the Revised Code, shall be transmitted to the 105
treasurer of state for deposit in the fund. The fund shall be 106
used only for the purpose set forth in this division. 107

(D) ~~No~~ (1) Subject to division (D) (2) of this section, no 108
public or private educational institution or superintendent of 109
the state highway patrol shall employ a person as a special 110

police officer, security guard, or ~~other~~ for a similar law 111
enforcement or security position in which such person goes armed 112
~~while on duty~~, who has not received a certificate of having 113
satisfactorily completed an approved basic peace officer 114
training program, unless the person has completed twenty years 115
of active duty as a peace officer. 116

(2) Division (D) (1) of this section does not apply with 117
respect to the employment of a person by a board of education or 118
governing body of a school in a position in which the person has 119
been authorized by a school board to voluntarily go armed within 120
a school safety zone within which the board or governing body 121
has authority, if both of the following apply with respect to 122
the employment and person: 123

(a) The person will be going armed within a school safety 124
zone within which the board or governing body has authority 125
pursuant to written authorization from the board of education or 126
governing body of the school, as described in division (D) (1) (a) 127
of section 2923.122 of the Revised Code, to convey deadly 128
weapons into, or to possess a deadly weapon in, a school safety 129
zone within which the board or governing body has authority. 130

(b) The person is not being employed as a special police 131
officer or security officer. 132

Section 2. That existing section 109.78 of the Revised 133
Code is hereby repealed. 134

Section 3. The General Assembly hereby declares that the 135
purpose of this act is to expressly overrule the decision of the 136
Twelfth District Court of Appeals in the case *Gabbard v.* 137
Madison Local School Dist. Bd. of Educ., 12th Dist. Butler No. 138
CA2019-03-051, 2020-Ohio-1180. 139