



Buckeye Firearms Association

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Ohio License Holders Helplessly Confused by Contradictory School Safety Zone Statute!!!

Issue: Ohio's School Safety Zone statute, R.C. § 2923.122, is a hopeless morass.

Impact: All firearm owners and their children, Concealed Carry License Holders and their children, teachers and school officials.

Specifics: The Federal School Safety Zone statute, 18 USC 922(q)(2)(A), does not apply to persons holding concealed carry licenses issued by the state where the school is located, and does not apply to unloaded firearms in a locked case. The Ohio statute does. Thus, this is a purely Ohio-law issue.

Ohio's statute is completely out of step with the Federal statute. In Ohio, there is no way to have an unloaded firearm in a locked case in a school zone. Additionally, Ohio has an absurdly drafted "exception" for concealed carry license holders set forth at R.C. § 2923.122(D)(3), just like the Federal statute, even explicitly incorporating the Federal exception into the Ohio exception.

Unfortunately, the Ohio "exception" can never apply, trapping gun owners every day. Close examination reveals that the goal of creating an exception was not achieved. Ohio defines a school safety zone at R.C. § 2901.01(C), and provides that a school safety zone is a school building, school premises or a school activity. The school safety zone exception in R.C. § 2923.122 is as follows:

3) This section does not apply to a person who conveys or attempts to convey a handgun into, or possesses a handgun in, a school safety zone if, at the time of that conveyance, attempted conveyance, or possession of the handgun, all of the following apply:

a) The person does not enter into a school building or onto school premises and is not at a school activity.

(b) The person is carrying a valid license to carry a concealed handgun.....

(c) The person is in the school safety zone in accordance with 18 U.S.C. 922(q)(2)(B).

As someone must either be in a school building, or on school premises or at a school activity to be in a school safety zone to begin with, the wording of the exception has the absurd result that the exception can never apply. Under current law, if a parent is hunting, target shooting or carrying a concealed handgun, they cannot go to school to pickup a sick child without first detouring home to drop off any guns that are in the car. It is not even possible to park off school grounds and pick the child up, as picking up and dropping off a child at school is a "school activity" and therefore this activity triggers the school safety zone. A final, very real and critical danger is that the average layperson will read this section and see that there is an exception for persons with a concealed carry license, and equate that to mean that the Ohio school safety zone statute does not apply to license holders, just as the Federal counterpart does not apply to license holders. The average layperson will not be capable of reading the "exception" and analyzing the language to figure out the trap – the exception never applies.

Action Needed: Ohio law needs to be harmonized with Federal law. The average gun owner is not a lawyer and cannot fathom the trap that exists in this "exception." R.C. § 2923.122(3)(a) needs to be deleted. Further, specific provisions for unloaded firearms in locked cases need to be added to bring Ohio law in line with Federal law. Parents should not have to detour home prior to dropping off or picking up their kids at school.

Sample legislation fixing this problem is available to aid LSC in drafting. Contact Ken Hanson Esq., 740-215-6433 to obtain specimen language.