

As Introduced

135th General Assembly

Regular Session

2023-2024

H. B. No. 272

Representatives Mathews, Pizzulli

A BILL

To amend section 2923.123 of the Revised Code to
allow a concealed handgun licensee to carry a
deadly weapon or dangerous ordnance in a
building or structure that is not a courthouse
but in which a courtroom is located if court is
not in session.

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

Section 1. That section 2923.123 of the Revised Code be
amended to read as follows:

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Sec. 2923.123. (A) No person shall knowingly convey or
attempt to convey a deadly weapon or dangerous ordnance into a
courthouse or into another building or structure in which a
courtroom is located.

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(B) No person shall knowingly possess or have 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.

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(C) This section does not apply to any of the following:

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(1) Except as provided in division (E) of this section, a

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judge of a court of record of this state or a magistrate; 19

(2) A peace officer, officer of a law enforcement agency, 20
or person who is in either of the following categories: 21

(a) Except as provided in division (E) of this section, a 22
peace officer, or an officer of a law enforcement agency of 23
another state, a political subdivision of another state, or the 24
United States, who is authorized to carry a deadly weapon or 25
dangerous ordnance, who possesses or has under that individual's 26
control a deadly weapon or dangerous ordnance as a requirement 27
of that individual's duties, and who is acting within the scope 28
of that individual's duties at the time of that possession or 29
control; 30

(b) Except as provided in division (E) of this section, a 31
person who is employed in this state, who is authorized to carry 32
a deadly weapon or dangerous ordnance, who possesses or has 33
under that individual's control a deadly weapon or dangerous 34
ordnance as a requirement of that person's duties, and who is 35
subject to and in compliance with the requirements of section 36
109.801 of the Revised Code, unless the appointing authority of 37
the person has expressly specified that the exemption provided 38
in division (C) (2) (b) of this section does not apply to the 39
person. 40

(3) A person who conveys, attempts to convey, possesses, 41
or has under the person's control a deadly weapon or dangerous 42
ordnance that is to be used as evidence in a pending criminal or 43
civil action or proceeding; 44

(4) Except as provided in division (E) of this section, a 45
bailiff or deputy bailiff of a court of record of this state who 46
is authorized to carry a firearm pursuant to section 109.77 of 47

the Revised Code, who possesses or has under that individual's 48
control a firearm as a requirement of that individual's duties, 49
and who is acting within the scope of that individual's duties 50
at the time of that possession or control; 51

(5) Except as provided in division (E) of this section, a 52
prosecutor, or a secret service officer appointed by a county 53
prosecuting attorney, who is authorized to carry a deadly weapon 54
or dangerous ordnance in the performance of the individual's 55
duties, who possesses or has under that individual's control a 56
deadly weapon or dangerous ordnance as a requirement of that 57
individual's duties, and who is acting within the scope of that 58
individual's duties at the time of that possession or control; 59

(6) Except as provided in ~~division~~divisions (C) (7) and 60
(E) of this section, a person who conveys or attempts to convey 61
a handgun into a courthouse or into another building or 62
structure in which a courtroom is located, if the person has 63
been issued a concealed handgun license that is valid at the 64
time of the conveyance or attempt or, at the time of the 65
conveyance or attempt, the person is an active duty member of 66
the armed forces of the United States and is carrying a valid 67
military identification card and documentation of successful 68
completion of firearms training that meets or exceeds the 69
training requirements described in division (G) (1) of section 70
2923.125 of the Revised Code, and if in either case the person 71
transfers possession of the handgun to the officer or officer's 72
designee who has charge of the courthouse or building. The 73
officer shall secure the handgun until the licensee is prepared 74
to leave the premises. The exemption described in this division 75
applies only if the officer who has charge of the courthouse or 76
building provides services of the nature described in this 77
division. An officer who has charge of the courthouse or 78

building is not required to offer services of the nature 79
described in this division. 80

(7) A person who conveys or attempts to convey a deadly 81
weapon or dangerous ordnance into a building or structure in 82
which a courtroom is located or possesses or has under the 83
person's control a deadly weapon or dangerous ordnance in a 84
building or structure in which a courtroom is located, if the 85
person has been issued a concealed handgun license that is valid 86
at the time of the conveyance, attempted conveyance, possession, 87
or control if all of the following apply: 88

(a) The building or structure in which the courtroom is 89
located is not a courthouse. 90

(b) The building or structure in which the courtroom is 91
located is a government facility of this state or a political 92
subdivision of this state. 93

(c) Court is not in session at the time of the conveyance, 94
possession, or control. 95

(d) The governing body with authority over the building or 96
structure in which the courtroom is located has enacted a 97
statute, ordinance, or policy that permits a concealed handgun 98
licensee to convey, possess, or control a deadly weapon or 99
dangerous ordnance into the building or structure in which the 100
courtroom is located. 101

(D) (1) Whoever violates division (A) of this section is 102
guilty of illegal conveyance of a deadly weapon or dangerous 103
ordnance into a courthouse. Except as otherwise provided in this 104
division, illegal conveyance of a deadly weapon or dangerous 105
ordnance into a courthouse is a felony of the fifth degree. If 106
the offender previously has been convicted of a violation of 107

division (A) or (B) of this section, illegal conveyance of a 108
deadly weapon or dangerous ordnance into a courthouse is a 109
felony of the fourth degree. 110

(2) Whoever violates division (B) of this section is 111
guilty of illegal possession or control of a deadly weapon or 112
dangerous ordnance in a courthouse. Except as otherwise provided 113
in this division, illegal possession or control of a deadly 114
weapon or dangerous ordnance in a courthouse is a felony of the 115
fifth degree. If the offender previously has been convicted of a 116
violation of division (A) or (B) of this section, illegal 117
possession or control of a deadly weapon or dangerous ordnance 118
in a courthouse is a felony of the fourth degree. 119

(E) The exemptions described in divisions (C) (1), (2) (a), 120
(2) (b), (4), (5), and (6) of this section do not apply to any 121
judge, magistrate, peace officer, officer of a law enforcement 122
agency, bailiff, deputy bailiff, prosecutor, secret service 123
officer, or other person described in any of those divisions if 124
a rule of superintendence or another type of rule adopted by the 125
supreme court pursuant to Article IV, Ohio Constitution, or an 126
applicable local rule of court prohibits all persons from 127
conveying or attempting to convey a deadly weapon or dangerous 128
ordnance into a courthouse or into another building or structure 129
in which a courtroom is located or from possessing or having 130
under one's control a deadly weapon or dangerous ordnance in a 131
courthouse or in another building or structure in which a 132
courtroom is located. 133

(F) As used in this section: 134

(1) "Governing body" has the same meaning as in section 135
154.01 of the Revised Code. 136

(2) "Government facility of the state or a political 137
subdivision of this state" has the same meaning as in section 138
2923.126 of the Revised Code. 139

(3) "Magistrate" means an individual who is appointed by a 140
court of record of this state and who has the powers and may 141
perform the functions specified in Civil Rule 53, Criminal Rule 142
19, or Juvenile Rule 40. 143

~~(2)~~ (4) "Peace officer" and "prosecutor" have the same 144
meanings as in section 2935.01 of the Revised Code. 145

Section 2. That existing section 2923.123 of the Revised 146
Code is hereby repealed. 147