

As Introduced

133rd General Assembly

Regular Session

2019-2020

S. B. No. 317

Senator Coley

A BILL

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

1
2
3
4
5
6
7

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

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

8
9

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

10
11
12
13
14
15
16
17
18
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
training in the use of other firearms, if any other firearm is
to be used. If the executive director determines the training
was received within the three-year period and that it is
equivalent to such a program, the executive director shall issue
written evidence of approval of the equivalency training to the
licensee or employee.

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

(D) No (1) Subject to division (D)(2) of this section, no
public or private educational institution or superintendent of
the state highway patrol shall employ a person as a special
police officer, security guard, or other for a similar law

<u>enforcement or security position in which such person goes armed while on duty, who has not received a certificate of having satisfactorily completed an approved basic peace officer training program, unless the person has completed twenty years of active duty as a peace officer.</u>	112 113 114 115 116
<u>(2) Division (D)(1) of this section does not apply with respect to the employment of a person by a board of education or governing body of a school in a position in which the person has been authorized by a school board to voluntarily go armed within a school safety zone within which the board or governing body has authority, if both of the following apply with respect to the employment and person:</u>	117 118 119 120 121 122 123
<u>(a) The person will be going armed within a school safety zone within which the board or governing body has authority pursuant to written authorization from the board of education or governing body of the school, as described in division (D)(1)(a) of section 2923.122 of the Revised Code, to convey deadly weapons into, or to possess a deadly weapon in, a school safety zone within which the board or governing body has authority.</u>	124 125 126 127 128 129 130
<u>(b) The person is not being employed as a special police officer or security officer.</u>	131 132
Section 2. That existing section 109.78 of the Revised Code is hereby repealed.	133 134
Section 3. The General Assembly hereby declares that the purpose of this act is to expressly overrule the decision of the Twelfth District Court of Appeals in the case <i>Gabbard v. Madison Local School Dist. Bd. of Educ.</i> , 12th Dist. Butler No. CA2019-03-051, 2020-Ohio-1180.	135 136 137 138 139