



Judicial Impact Statement

www.ohiojudges.org

January 2024

HB 272 – Guns in buildings with courtrooms

HB 272 As Passed By House

Rep. Matthews and
Rep. Pizulli

Title Information

To amend sections 2923.123 and 2923.14 of the Revised Code to allow a concealed handgun licensee to carry a handgun in a building or structure that is not a courthouse but in which a courtroom is located in specified circumstances and to permit a nonresident of Ohio to obtain statutory relief from firearms disability based on an Ohio conviction, guilty plea, or delinquent child adjudication.

Background

Current law prohibits the carrying of a handgun into any building that houses a courtroom. House Bill 272, as passed by the Ohio House of Representatives, would permit the carrying of a handgun into a building that also houses a courtroom when the following conditions have been met:

- The building is not a courthouse
- The building is a government facility of the state of Ohio or a political subdivision of the state
- The court and the office of the clerk of courts are not in operation at the time of the conveyance, possession, or control of the handgun
- The governing body with control over the building has enacted a statute, ordinance or policy permitting the carrying or conveyance of a handgun into the building

Judicial Impact

The Ohio Judicial Conference has serious concerns with House Bill 272, which would allow for the carrying of deadly weapons into buildings that house court facilities.

What is a Judicial Impact Statement?

A Judicial Impact Statement describes as objectively and accurately as possible the probable, practical effects on Ohio's court system of the adoption of the particular bill. The court system includes people who use the courts (parties to suits, witnesses, attorneys and other deputies, probation officials, judges and others). The Ohio Judicial Conference prepares these statements pursuant to R.C. 105.911.

As an initial matter, the Judicial Conference opposes any efforts to expand the accessibility of deadly weapons in or near court facilities. As we all know, courts are places where disputes are settled, where justice is administered, and where emotions can run high. Every day, court facilities are the sites of volatile, highly emotional proceedings: divorces, child-custody determinations, criminal sentencing in murder and gang-related crimes, competency determinations, employment disputes, and will/probate disbursements, to name just a few examples. And as happened recently, judges can be targets: a common pleas

judge in Jefferson County was shot in an ambush-style attack as he made his way into the county courthouse. While the attack happened outside the courthouse, and thankfully the judge survived and eventually fully recovered, imagine what could have happened had the gunman been permitted to carry a weapon inside the building. For these reasons alone, the Judicial Conference cannot support the allowance of weapons in any facility where a courtroom is located.

Speaking specifically to H.B. 272, we have additional concerns. First, the bill specifies that the exception to the prohibition against carrying firearms into a building that contains a courtroom does not apply if the building is a “courthouse.” The bill does not define “courthouse.” Is it a building that houses only courtrooms? The seats of most county governments are housed in buildings called “courthouses,” which contain not only court facilities, but also offices for other county agencies, such as the commissioners, auditor, treasurer, and recorder.

Second, the bill also provides that the exception to the handgun prohibition only applies when the court and the office of the clerk are not in operation. We question the practicality and logistics of how this would work. How is a person attempting to enter a building to know if the court or clerk’s office are not in operation? The individual’s culpability should not depend upon factors that are outside of both their control and knowledge. It is much clearer to simply maintain the prohibition. Additionally, many clerks’ offices allow for 24-hour document filing, and thus are, arguably, *always* in operation.

Conclusion

The Ohio Judicial Conference opposes House Bill 272 along with any efforts to expand the ability to carry a handgun into court facilities.