

OPINION NO. 74-027

Syllabus:

Neither R.C. 2923.12 nor any other section of the Revised Code requires deputy sheriffs to give bond in order to go armed while on duty.

To: William R. Hughes, Knox County Pros. Atty., Fredericktown, Ohio
By: William J. Brown, Attorney General, April 5, 1974

I have before me your request for my opinion, which reads as follows:

"Are Deputy Sheriffs required to give a bond to the State of Ohio, approved by the Clerk of the Court of Common Pleas in the County wherein they are serving as Deputy Sheriffs in order to carry a concealed weapon in the course of their duties as Deputy Sheriffs as was stated in Section 2923.01 of the Ohio Revised Code in light of the new provisions covering the carrying of concealed weapons by law enforcement officials in the course of their duties as such as provided in Section 2923.12(B) that became effective on January 1, 1974?"

R.C. 2923.01, prior to its repeal, read as follows:

"No person shall carry a pistol, revolver, zipgun, other concealable firearm, or any concealable weapon or device capable of discharging a projectile, concealed on or about his person while such weapon or device is loaded, or while having on or about his person the ammunition or projectiles for any such weapon or device. This section does not affect the right of sheriffs, regularly appointed police officers of municipal corporations, regularly elected constables, and special officers as provided by sections 311.07, 737.10, 1717.06, 1721.14 and 2917.32 of the Revised Code, to go armed when on duty. Deputy sheriffs and specially appointed police officers, except as are appointed or called into service under said sections may go armed if they first give bond to this state, to be approved by the clerk of the court of common pleas, in the sum of one thousand dollars, conditioned to save the public harmless by reason of any unlawful use of such weapons carried by them. Persons injured by such improper use may have recourse on said bond.

" * * * * * "

This Section has been replaced by R.C. 2923.12, enacted in Am. Sub. H.B. No. 511, the new Criminal Code. R.C. 2923.12 now reads in part as follows:

"(A) No person shall knowingly carry or have, concealed on his person or concealed ready at hand, any deadly weapon or dangerous ordnance.

"(B) This section does not apply to officers, agents, or employees of this or any other state or the United States, or to law enforcement officers, authorized to carry concealed weapons or dangerous ordnance, and acting within the scope of their duties."

This Section makes no mention of a bond for carrying a concealed weapon. Other than the bond required of a state parole officer to carry a weapon, R.C. 5149.05, I can find no mention of a weapons bond in the Revised Code. Therefore, I must conclude that deputy sheriffs are no longer required to give bond in order to go armed while on duty.

In Opinion No. 4274, Opinions of the Attorney General for 1941, page 822, my predecessor advised that the premium on a weapons bond could not be paid by the political subdivision which employs the officer. Since deputy sheriffs are no longer required to post bond, the question answered in Opinion No. 4274, supra, is now moot.

In specific answer to your question, it is my opinion and you are so advised that neither R.C. 2923.12 nor any other section of the Revised Code requires deputy sheriffs to give bond in order to go armed while on duty.