

# STEVEN L. CRAIG

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9 February, 2009

Ohio High School Athletic Association  
Asst. Commissioner Steven Neil  
Board of Directors  
4080 Roselea Place  
Columbus, Ohio 43214

*Re: Track and Field/Cross Country Starters Pistols*

Ladies and Gentlemen:

Recently the OHSAA, through Assistant Commissioners Steve Neil and Henry Zaborniak, received a request from a local association of track officials for a modification of National Federation Track & Field rules as recently adopted by the NFHS. The letter request itself is a little confusing: in one aspect it would appear as though the request is for a complete elimination of the rule that restricts starter pistols to "closed barrel firearms" only and in another section it looks as though the request is simply to move this limitation from the jurisdiction of the "timer" to the jurisdiction of the "Games Committee". Apparently the local association believes that by moving this limitation to the Games Committee, the meet director would have discretion in whether to permit open barrel firearms on school property.

The issue of "open barrel" firearms on school property has been around for several years: in fact back in 2003 I wrote a similar opinion letter addressing changes in the Ohio Revised Code the dealt with this issue. My position on this matter remains unchanged.

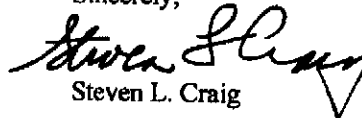
ORC § 2923.161 makes it a felony of the second degree to discharge a firearm "at, in, or into a school safety zone". ORC § 2923.11 defines a "firearm" as "any deadly weapon capable of expelling or propelling one or more projectiles by the action of any explosive or combustible propellant . . ." Given these statutes, I do not believe the Games Committee, the OHSAA or any school employee has the "discretion" to determine if in fact a felony can be committed on school property without consequences. I do believe that it is the responsibility of the OHSAA to continually educate the member schools and contest officials on areas of the law that could impact them, especially when talking about criminal acts. To the extent that the OHSAA ban on firearms serves assist track officials in the observance of State statutes (and keeps them out of jail), such a ban should not be modified. The same holds true with the National Federation Track and Field Rule 3-9-2 eliminating the use of "open barreled" pistols during track meets.

February 9, 2009  
Position Statement – Starter Pistols  
Page 2

In addition to compliance with Ohio law, the prohibition assists in at least one other aspect of safety: the irresponsible handling of an open barrel firearm. The local association that wrote requesting this change makes reference to the two officials who had their firearms “stolen” at a track meet. While this is certainly a concern, it is only one example of what the local association refers to as “lack of judgment” that could be encountered while such firearms are present on school property. Whatever “health risks” that may exist with a closed barrel pistol, I am quite certain they pale in comparisons to the health risks that exist whenever “lack of judgment” exists around an open barrel firearm.

I hope this adds some clarity to the issue before you.

Sincerely,

A handwritten signature in black ink that reads "Steven L. Craig". The signature is written in a cursive style with a large, stylized 'S' and 'C'.

Steven L. Craig

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