A BILL

To amend sections 2923.13 and 2923.20 of the Revised Code to exempt certain antique firearms from the prohibitions against having weapons while under disability and unlawful transactions in weapons.

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

Section 1. That sections 2923.13 and 2923.20 of the Revised Code be amended to read as follows:

Sec. 2923.13. (A) Unless relieved from disability under operation of law or legal process, no person shall knowingly acquire, have, carry, or use any firearm or dangerous ordnance, if any of the following apply:

(1) The person is a fugitive from justice.

(2) The person is under indictment for or has been convicted of any felony offense of violence or has been adjudicated a delinquent child for the commission of an offense that, if committed by an adult, would have been a felony offense of violence.
(3) The person is under indictment for or has been convicted of any felony offense involving the illegal possession, use, sale, administration, distribution, or trafficking in any drug of abuse or has been adjudicated a delinquent child for the commission of an offense that, if committed by an adult, would have been a felony offense involving the illegal possession, use, sale, administration, distribution, or trafficking in any drug of abuse.

(4) The person is drug dependent, in danger of drug dependence, or a chronic alcoholic.

(5) The person is under adjudication of mental incompetence, has been adjudicated as a mental defective, has been committed to a mental institution, has been found by a court to be a mentally ill person subject to court order, or is an involuntary patient other than one who is a patient only for purposes of observation. As used in this division, "mentally ill person subject to court order" and "patient" have the same meanings as in section 5122.01 of the Revised Code.

(B) Whoever violates this section is guilty of having weapons while under disability, a felony of the third degree.

(C) Division (A) of this section does not prohibit any person from acquiring, having, carrying, or using an antique firearm.

(D) For the purposes of this section, "under:

(1) "Under operation of law or legal process" shall not itself include mere completion, termination, or expiration of a sentence imposed as a result of a criminal conviction.

(2) "Antique firearm" means any of the following:
(a) A firearm with a matchlock, flintlock, percussion cap, or similar type of ignition system manufactured in or before 1898.

(b) A replica of a firearm described in division (D)(2)(a) of this section if the replica is not designed or redesigned for using rimfire or conventional centerfire fixed ammunition or the replica uses rimfire or conventional centerfire fixed ammunition that is no longer manufactured in the United States and is not readily available in the ordinary channels of commercial trade.

(c) A muzzle loading rifle, shotgun, or pistol that is designed to use black powder, or a black powder substitute, and that cannot use fixed ammunition, other than a firearm described in division (D)(3) of this section.

(3) "Antique firearm" does not include a weapon that incorporates a firearm frame or receiver, a firearm that is converted into a muzzle loading weapon, or a muzzle loading weapon that can be readily converted to fire fixed ammunition by replacing the barrel, bolt, breechblock, or any combination thereof.

Sec. 2923.20. (A) No person shall do any of the following:

(1) Recklessly sell, lend, give, or furnish any firearm to any person prohibited by section 2923.13 or 2923.15 of the Revised Code from acquiring or using any firearm, other than an antique firearm, or recklessly sell, lend, give, or furnish any dangerous ordnance to any person prohibited by section 2923.13, 2923.15, or 2923.17 of the Revised Code from acquiring or using any dangerous ordnance;

(2) Possess any firearm or dangerous ordnance with purpose to dispose of it in violation of division (A) of this section;
(3) Except as otherwise provided in division (B) of this section, knowingly solicit, persuade, encourage, or entice a federally licensed firearms dealer or private seller to transfer a firearm or ammunition to any person in a manner prohibited by state or federal law;

(4) Except as otherwise provided in division (B) of this section, with an intent to deceive, knowingly provide materially false information to a federally licensed firearms dealer or private seller;

(5) Except as otherwise provided in division (B) of this section, knowingly procure, solicit, persuade, encourage, or entice a person to act in violation of division (A)(3) or (4) of this section;

(6) Manufacture, possess for sale, sell, or furnish to any person other than a law enforcement agency for authorized use in police work, any brass knuckles, cestus, billy, blackjack, sandbag, switchblade knife, springblade knife, gravity knife, or similar weapon;

(7) When transferring any dangerous ordnance to another, negligently fail to require the transferee to exhibit such identification, license, or permit showing the transferee to be authorized to acquire dangerous ordnance pursuant to section 2923.17 of the Revised Code, or negligently fail to take a complete record of the transaction and forthwith forward a copy of that record to the sheriff of the county or safety director or police chief of the municipality where the transaction takes place;

(8) Knowingly fail to report to law enforcement authorities forthwith the loss or theft of any firearm or
dangerous ordnance in the person's possession or under the person's control.

(B) Divisions (A)(3), (4), and (5) of this section do not apply to any of the following:

(1) A law enforcement officer who is acting within the scope of the officer's duties;

(2) A person who is acting in accordance with directions given by a law enforcement officer described in division (B)(1) of this section.

(C) Whoever violates this section is guilty of unlawful transactions in weapons. A violation of division (A)(1) or (2) of this section is a felony of the fourth degree. A violation of division (A)(3), (4), or (5) of this section is a felony of the third degree. A violation of division (A)(6) or (7) of this section is a misdemeanor of the second degree. A violation of division (A)(8) of this section is a misdemeanor of the fourth degree.

(D) As used in this section:

(1) "Ammunition" has the same meaning as in section 2305.401 of the Revised Code.

(2) "Federally licensed firearms dealer" has the same meaning as in section 5502.63 of the Revised Code.

(3) "Materially false information" means information regarding the transfer of a firearm or ammunition that portrays an illegal transaction as legal or a legal transaction as illegal.

(4) "Private seller" means a person who sells, offers for sale, or transfers a firearm or ammunition and who is not a
federally licensed firearms dealer.

(5) "Antique firearm" has the same meaning as in section 2923.13 of the Revised Code.

Section 2. That existing sections 2923.13 and 2923.20 of the Revised Code are hereby repealed.

Section 3. Section 2923.13 of the Revised Code is presented in this act as a composite of the section as amended by both Am. Sub. H.B. 234 and Am. Sub. S.B. 43 of the 130th General Assembly. The General Assembly, applying the principle stated in division (B) of section 1.52 of the Revised Code that amendments are to be harmonized if reasonably capable of simultaneous operation, finds that the composite is the resulting version of the section in effect prior to the effective date of the section as presented in this act.