

H.B. 178
As Introduced

Topic: Prohibit accelerating semi-automatic firearm's rate of fire

_____ moved to amend as follows:

In line 6 of the title, after "2923.1213," insert "2923.13,
2923.14," 1 2

In line 7 of the title, delete "section" and insert
"sections"; after "2923.111" insert "and 2923.133" 3 4

In line 16 of the title, delete "and" 5

In line 20 of the title, after "licensee" insert ", and
prohibiting certain items that accelerate a firearm's rate of
fire" 6 7 8

In line 24, after "2923.1213," insert "2923.13, 2923.14," 9

In line 25, delete "section" and insert "sections"; after
"2923.111" insert "and 2923.133" 10 11

After line 3450, insert: 12

"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: 13 14 15 16

(1) The person is a fugitive from justice. 17

(2) The person is under indictment for or has been convicted 18

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.

(6) The person has been convicted of a violation of section 2923.133 of the Revised Code or has been adjudicated a delinquent child for the commission of a violation of that section.

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

(C) For the purposes of this section, "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.

48

Sec. 2923.133. (A) On and after the date that is one hundred eighty days after the effective date of this section, no person shall import, manufacture, sell, transfer, or possess a trigger crank, a bump-fire device, or any part, combination of parts, component, device, attachment, or accessory that is designed or functions to accelerate the rate of fire of a semi-automatic firearm but not convert the semi-automatic firearm into an automatic firearm.

49
50
51
52
53
54
55
56

(B) This section does not apply with respect to the importation for, manufacture for, sale to, transfer to, or possession of any item specified in division (A) of this section by or under authority of the United States or any department or agency of the United States or by this state, any other state, or a department, agency, or political subdivision of this state or any other state.

57
58
59
60
61
62
63

(C) Whoever violates division (A) of this section is guilty of "illegal rate-of-fire acceleration conduct," a felony of the fourth degree.

64
65
66

Sec. 2923.14. (A)(1) Except as otherwise provided in division (A)(2) of this section, any person who is prohibited from acquiring, having, carrying, or using firearms may apply to the court of common pleas in the county in which the person resides for relief from such prohibition.

67
68
69
70
71

(2) Division (A)(1) of this section does not apply to a person who has been convicted of or pleaded guilty to a violation of section 2923.132 of the Revised Code or to a person who, two or more times, has been convicted of or pleaded guilty to a felony

72
73
74
75

and a specification of the type described in section 2941.141, 76
2941.144, 2941.145, 2941.146, 2941.1412, or 2941.1424 of the 77
Revised Code. 78

(B) The application shall recite the following: 79

(1) All indictments, convictions, or adjudications upon which 80
the applicant's disability is based, the sentence imposed and 81
served, and any release granted under a community control 82
sanction, post-release control sanction, or parole, any partial or 83
conditional pardon granted, or other disposition of each case, or, 84
if the disability is based upon a factor other than an indictment, 85
a conviction, or an adjudication, the factor upon which the 86
disability is based and all details related to that factor; 87

(2) Facts showing the applicant to be a fit subject for 88
relief under this section. 89

(C) A copy of the application shall be served on the county 90
prosecutor. The county prosecutor shall cause the matter to be 91
investigated and shall raise before the court any objections to 92
granting relief that the investigation reveals. 93

(D) Upon hearing, the court may grant the applicant relief 94
pursuant to this section, if all of the following apply: 95

(1) One of the following applies: 96

(a) If the disability is based upon an indictment, a 97
conviction, or an adjudication, the applicant has been fully 98
discharged from imprisonment, community control, post-release 99
control, and parole, or, if the applicant is under indictment, has 100
been released on bail or recognizance. 101

(b) If the disability is based upon a factor other than an 102
indictment, a conviction, or an adjudication, that factor no 103
longer is applicable to the applicant. 104

(2) The applicant has led a law-abiding life since discharge or release, and appears likely to continue to do so. 105 106

(3) The applicant is not otherwise prohibited by law from acquiring, having, or using firearms. 107 108

(E) Costs of the proceeding shall be charged as in other civil cases, and taxed to the applicant. 109 110

(F) Relief from disability granted pursuant to this section restores the applicant to all civil firearm rights to the full extent enjoyed by any citizen, and is subject to the following conditions: 111 112 113 114

(1) Applies only with respect to indictments, convictions, or adjudications, or to the other factor, recited in the application as the basis for the applicant's disability; 115 116 117

(2) Applies only with respect to firearms lawfully acquired, possessed, carried, or used by the applicant; 118 119

(3) May be revoked by the court at any time for good cause shown and upon notice to the applicant; 120 121

(4) Is automatically void upon commission by the applicant of any offense set forth in division (A)(2) ~~or (3)~~, or (6) of section 2923.13 of the Revised Code, or upon the applicant's becoming one of the class of persons named in division (A)(1), (4), or (5) of that section. 122 123 124 125 126

(G) As used in this section: 127

(1) "Community control sanction" has the same meaning as in section 2929.01 of the Revised Code. 128 129

(2) "Post-release control" and "post-release control sanction" have the same meanings as in section 2967.01 of the Revised Code." 130 131 132

In line 4107, after "2923.1213," insert "2923.13, 2923.14,"	133
After line 4123, insert:	134
"Section 2923.13 of the Revised Code as amended by both Am.	135
Sub. H.B. 234 and Am. Sub. S.B. 43 of the 130th General Assembly."	136

The motion was _____ agreed to.