

H. B. No. 178
As Introduced

Topic: Weapons under disability - criminal trespass

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_____ moved to amend as follows:

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

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

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After line 3450, insert:

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"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:

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(1) The person is a fugitive from justice.

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(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.

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(3) The person is under indictment for or has been 16
convicted of any felony offense involving the illegal 17
possession, use, sale, administration, distribution, or 18
trafficking in any drug of abuse or has been adjudicated a 19
delinquent child for the commission of an offense that, if 20
committed by an adult, would have been a felony offense 21
involving the illegal possession, use, sale, administration, 22
distribution, or trafficking in any drug of abuse. 23

(4) The person is drug dependent, in danger of drug 24
dependence, or a chronic alcoholic. 25

(5) The person is under adjudication of mental 26
incompetence, has been adjudicated as a mental defective, has 27
been committed to a mental institution, has been found by a 28
court to be a mentally ill person subject to court order, or is 29
an involuntary patient other than one who is a patient only for 30
purposes of observation. As used in this division, "mentally ill 31
person subject to court order" and "patient" have the same 32
meanings as in section 5122.01 of the Revised Code. 33

(6) The person is under indictment for or has been 34
convicted of criminal trespass or aggravated trespass or has 35
been adjudicated a delinquent child for the commission of an 36
offense that, if committed by an adult, would have been criminal 37
trespass or aggravated trespass, and the person carried or had, 38
concealed on the person's person or concealed ready at hand, a 39
deadly weapon. 40

(B) Whoever violates this section is guilty of having 41
weapons while under disability, a felony of the third degree. 42

(C) For the purposes of this section, "under operation of 43
law or legal process" shall not itself include mere completion, 44

termination, or expiration of a sentence imposed as a result of 45
a criminal conviction. 46

Sec. 2923.14. (A) (1) Except as otherwise provided in 47
division (A) (2) of this section, any person who is prohibited 48
from acquiring, having, carrying, or using firearms may apply to 49
the court of common pleas in the county in which the person 50
resides for relief from such prohibition. 51

(2) Division (A) (1) of this section does not apply to a 52
person who has been convicted of or pleaded guilty to a 53
violation of section 2923.132 of the Revised Code or to a person 54
who, two or more times, has been convicted of or pleaded guilty 55
to a felony and a specification of the type described in section 56
2941.141, 2941.144, 2941.145, 2941.146, 2941.1412, or 2941.1424 57
of the Revised Code. 58

(B) The application shall recite the following: 59

(1) All indictments, convictions, or adjudications upon 60
which the applicant's disability is based, the sentence imposed 61
and served, and any release granted under a community control 62
sanction, post-release control sanction, or parole, any partial 63
or conditional pardon granted, or other disposition of each 64
case, or, if the disability is based upon a factor other than an 65
indictment, a conviction, or an adjudication, the factor upon 66
which the disability is based and all details related to that 67
factor; 68

(2) Facts showing the applicant to be a fit subject for 69
relief under this section. 70

(C) A copy of the application shall be served on the 71
county prosecutor. The county prosecutor shall cause the matter 72
to be investigated and shall raise before the court any 73

objections to granting relief that the investigation reveals.	74
(D) Upon hearing, the court may grant the applicant relief pursuant to this section, if all of the following apply:	75 76
(1) One of the following applies:	77
(a) If the disability is based upon an indictment, a conviction, or an adjudication, the applicant has been fully discharged from imprisonment, community control, post-release control, and parole, or, if the applicant is under indictment, has been released on bail or recognizance.	78 79 80 81 82
(b) If the disability is based upon a factor other than an indictment, a conviction, or an adjudication, that factor no longer is applicable to the applicant.	83 84 85
(2) The applicant has led a law-abiding life since discharge or release, and appears likely to continue to do so.	86 87
(3) The applicant is not otherwise prohibited by law from acquiring, having, or using firearms.	88 89
(E) Costs of the proceeding shall be charged as in other civil cases, and taxed to the applicant.	90 91
(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:	92 93 94 95
(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;	96 97 98
(2) Applies only with respect to firearms lawfully acquired, possessed, carried, or used by the applicant;	99 100

(3) May be revoked by the court at any time for good cause shown and upon notice to the applicant; 101
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(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. 103
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(G) As used in this section: 108

(1) "Community control sanction" has the same meaning as in section 2929.01 of the Revised Code. 109
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(2) "Post-release control" and "post-release control sanction" have the same meanings as in section 2967.01 of the Revised Code." 111
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In line 4107, after "2923.1213," insert "2923.13, 2923.14," 114

After line 4123, insert: 115

"Section 2923.13 of the Revised Code as amended by both Am. Sub. H.B. 234 and Am. Sub. S.B. 43 of the 130th General Assembly." 116
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The motion was _____ agreed to.