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H.B. 248
133rd General Assembly

Bill Analysis

Version: As Introduced

Primary Sponsors: Reps. Powell and T. Smith

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SUMMARY

- Exempts an antique firearm from the prohibitions on having weapons while under disability and unlawful transactions in weapons.
- Defines an antique firearm.

DETAILED ANALYSIS

Having weapons while under disability

The bill exempts an antique firearm from the prohibition on “having weapons while under disability.” Under current law, the offense prohibits a person, unless relieved from disability, from knowingly acquiring, having, carrying, or using any firearm or dangerous ordnance, if the person is any of the following:¹

- A fugitive from justice;
- Under indictment for or has been convicted of any felony offense of violence, or has been adjudicated a delinquent child for an offense that, if committed by an adult, would have been a felony offense of violence;
- Under indictment for or has been convicted of a felony offense involving the illegal possession, use, sale, administration, distribution, or trafficking in a drug of abuse, or has been adjudicated a delinquent child for an offense that, if committed by an adult, would have been a felony offense of that type;
- Drug dependent, in danger of drug dependence, or a chronic alcoholic;

¹ R.C. 2923.13(A) and (B).

- 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.

The bill provides that the offense does not prohibit a person in any of the categories listed above from acquiring, having, carrying, or using an antique firearm.²

Unlawful transactions in weapons

The bill also exempts an antique firearm from certain prohibitions on “unlawful transactions in weapons.” Under current law, the offense prohibits a person from recklessly selling, lending, giving, or furnishing any firearm to any person under a weapons disability or under the influence of alcohol or any drug of abuse.

The bill provides that the offense does not prohibit a person from selling, lending, giving, or furnishing an antique firearm to any person under a weapons disability or under the influence of alcohol or any drug of abuse.³

Definition of antique firearm

The bill defines an “antique firearm” as any of the following:⁴

- A firearm with a matchlock, flintlock, percussion cap, or similar type of ignition system manufactured in or before 1898;
- A replica of a firearm described in the preceding paragraph 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;
- 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 below.

The bill provides that an “antique firearm” does not include any of the following:⁵

- A weapon that incorporates a firearm frame or receiver;
- A firearm that is converted into a muzzle loading weapon;

² R.C. 2923.13(C).

³ R.C. 2923.20(A)(1) and (C).

⁴ R.C. 2923.13(D)(2) and 2923.20(D)(5).

⁵ R.C. 2923.13(D)(3) and 2923.20(D)(5).

- A muzzle loading weapon that can be readily converted to fire fixed ammunition by replacing the barrel, bolt, breechblock, or any combination thereof.

HISTORY

Action	Date
Introduced	05-15-19
