

As Re-referred by the House Rules and Reference Committee

131st General Assembly

Regular Session

2015-2016

H. B. No. 35

Representatives Retherford, Hood

**Cosponsors: Representatives Brenner, Zeltwanger, Thompson, Vitale, Becker,
Maag, Kraus, Buchy, Johnson, T.**

A BILL

To enact sections 5502.23 and 5502.231 of the 1
Revised Code to prohibit any agency and its 2
employees and agents from seizing or authorizing 3
the seizure of any firearm from any person 4
lawfully in possession or control of the firearm 5
except when a law enforcement officer reasonably 6
believes the immediate seizure of the firearm is 7
necessary for the safety of the officer or 8
another person or to preserve the firearm as 9
evidence, to prohibit the establishment of a 10
firearm registry, and to prohibit law 11
enforcement officers and international agents 12
from enforcing a firearms registration 13
requirement or firearm ban. 14

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

Section 1. That sections 5502.23 and 5502.231 of the 15
Revised Code be enacted to read as follows: 16

Sec. 5502.23. (A) Except as provided in division (B) of 17
this section, no agency, or employee or agent of an agency, 18

shall seize or authorize the seizure of any firearm from any 19
person who is lawfully in possession or control of a firearm. 20

(B) (1) A law enforcement officer who is acting in the 21
lawful discharge of the officer's duties may seize a firearm in 22
the possession, or under the control, of any person if the law 23
enforcement officer reasonably believes the immediate seizure of 24
the firearm is necessary for the safety of the law enforcement 25
officer or another individual. The law enforcement officer shall 26
return the firearm to the person from whom it was seized if the 27
person is not arrested, the firearm is not seized under division 28
(B) (2) of this section, and the reason for the seizure of the 29
firearm no longer exists. 30

(2) A law enforcement officer who is acting in the lawful 31
discharge of the officer's duties may seize a firearm when the 32
seizure is necessary to preserve the firearm as evidence, or for 33
the investigation, of a criminal offense. 34

(C) As used in this section, "firearm" has the same 35
meaning as in section 2923.11 of the Revised Code. 36

Sec. 5502.231. (A) No law enforcement officer, federal law 37
enforcement officer, international agent, or other person shall 38
enforce or attempt to enforce a firearm registration requirement 39
or firearm ban in any statute or rule of this state or the 40
United States or any ordinance, resolution, or rule of a 41
political subdivision, unless the registration requirement or 42
ban is in effect prior to the effective date of this section. 43

(B) No political subdivision shall enact or adopt any 44
ordinance, resolution, or rule that requires a person to 45
register a firearm or establishes a firearm registry. 46

(C) Whoever violates division (A) of this section is 47

<u>guilty of unlawful enforcement of a firearm registration</u>	48
<u>requirement or firearm ban, a felony of the first degree.</u>	49
<u>(D) As used in this section:</u>	50
<u>(1) "Federal law enforcement officer" has the same meaning</u>	51
<u>as in section 2921.51 of the Revised Code.</u>	52
<u>(2) "Firearm" has the same meaning as in section 2923.11</u>	53
<u>of the Revised Code.</u>	54
<u>(3) "Firearm ban" means any ban or prohibition on a</u>	55
<u>person's possession of a firearm that is not based on the status</u>	56
<u>or condition of the person or limited to the possession of a</u>	57
<u>firearm in a school safety zone, courthouse, or other designated</u>	58
<u>location.</u>	59
<u>(4) "Political subdivision" has the same meaning as in</u>	60
<u>section 2921.421 of the Revised Code.</u>	61