

As Introduced

132nd General Assembly

Regular Session

2017-2018

S. B. No. 242

Senator LaRose

Cosponsors: Senators Uecker, Eklund, Jordan, Obhof

A BILL

To amend sections 2923.18 and 2923.20 of the Revised Code to eliminate the prohibition against manufacturing, possessing for sale, selling, or furnishing certain weapons other than firearms or dangerous ordnance.

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

Section 1. That sections 2923.18 and 2923.20 of the Revised Code be amended to read as follows:

Sec. 2923.18. (A) Upon application to the sheriff of the county or safety director or police chief of the municipality where the applicant resides or has ~~his~~ the applicant's principal place of business, and upon payment of the fee specified in division (B) of this section, a license or temporary permit shall be issued to qualified applicants to acquire, possess, carry, or use dangerous ordnance, for the following purposes:

(1) Contractors, wreckers, ~~quarrymen~~ quarriers, mine operators, and other persons regularly employing explosives in the course of a legitimate business, with respect to explosives and explosive devices acquired, possessed, carried, or used in

the course of such business; 19

(2) Farmers, with respect to explosives and explosive 20
devices acquired, possessed, carried, or used for agricultural 21
purposes on lands farmed by them; 22

(3) Scientists, engineers, and instructors, with respect 23
to dangerous ordnance acquired, possessed, carried, or used in 24
the course of bona fide research or instruction; 25

(4) Financial institution and armored car company guards, 26
with respect to automatic firearms lawfully acquired, possessed, 27
carried, or used by any such person while acting within the 28
scope of ~~his~~ the person's duties; 29

(5) In the discretion of the issuing authority, any 30
responsible person, with respect to dangerous ordnance lawfully 31
acquired, possessed, carried, or used for a legitimate research, 32
scientific, educational, industrial, or other proper purpose. 33

(B) Application for a license or temporary permit under 34
this section shall be in writing under oath to the sheriff of 35
the county or safety director or police chief of the 36
municipality where the applicant resides or has ~~his~~ the 37
applicant's principal place of business. The application shall 38
be accompanied by an application fee of fifty dollars when the 39
application is for a license, and an application fee of five 40
dollars when the application is for a temporary permit. The fees 41
shall be paid into the general revenue fund of the county or 42
municipality. The application shall contain the following 43
information: 44

(1) The name, age, address, occupation, and business 45
address of the applicant, if ~~he~~ the applicant is a natural 46
person, or the name, address, and principal place of business of 47

the applicant, if the applicant is a corporation;	48
(2) A description of the dangerous ordnance for which a permit is requested;	49 50
(3) A description of the place or places where and the manner in which the dangerous ordnance is to be kept, carried, and used;	51 52 53
(4) A statement of the purposes for which the dangerous ordnance is to be acquired, possessed, carried, or used;	54 55
(5) Such other information, as the issuing authority may require in giving effect to this section.	56 57
(C) Upon investigation, the issuing authority shall issue a license or temporary permit only if all of the following apply:	58 59 60
(1) The applicant is not otherwise prohibited by law from acquiring, having, carrying or using dangerous ordnance;	61 62
(2) The applicant is age twenty-one or over, if he <u>the applicant</u> is a natural person;	63 64
(3) It appears that the applicant has sufficient competence to safely acquire, possess, carry, or use the dangerous ordnance, and that proper precautions will be taken to protect the security of the dangerous ordnance and ensure the safety of persons and property;	65 66 67 68 69
(4) It appears that the dangerous ordnance will be lawfully acquired, possessed, carried, and used by the applicant for a legitimate purpose.	70 71 72
(D) The license or temporary permit shall identify the person to whom it is issued, identify the dangerous ordnance	73 74

involved and state the purposes for which the license or 75
temporary permit is issued, state the expiration date, if any, 76
and list such restrictions on the acquisition, possession, 77
carriage, or use of the dangerous ordnance as the issuing 78
authority considers advisable to protect the security of the 79
dangerous ordnance and ensure the safety of persons and 80
property. 81

(E) A temporary permit shall be issued for the casual use 82
of explosives and explosive devices, and other consumable 83
dangerous ordnance, and shall expire within thirty days of its 84
issuance. A license shall be issued for the regular use of 85
consumable dangerous ordnance, or for any ~~nonconsumable~~ 86
nonconsumable dangerous ordnance, which license need not specify 87
an expiration date, but the issuing authority may specify such 88
expiration date, not earlier than one year from the date of 89
issuance, as it considers advisable in view of the nature of the 90
dangerous ordnance and the purposes for which the license is 91
issued. 92

(F) The dangerous ordnance specified in a license or 93
temporary permit may be obtained by the holder anywhere in the 94
state. The holder of a license may use such dangerous ordnance 95
anywhere in the state. The holder of a temporary permit may use 96
such dangerous ordnance only within the territorial jurisdiction 97
of the issuing authority. 98

(G) The issuing authority shall forward to the state fire 99
marshal a copy of each license or temporary permit issued 100
pursuant to this section, and a copy of each record of a 101
transaction in dangerous ordnance and of each report of lost or 102
stolen dangerous ordnance, given to the local law enforcement 103
authority as required by divisions (A) ~~(4)~~ (3) and ~~(5)~~ (4) of 104

section 2923.20 of the Revised Code. The state fire marshal 105
shall keep a permanent file of all licenses and temporary 106
permits issued pursuant to this section, and of all records of 107
transactions in, and losses or thefts of dangerous ordnance 108
forwarded by local law enforcement authorities pursuant to this 109
section. 110

Sec. 2923.20. (A) No person shall: 111

(1) Recklessly sell, lend, give, or furnish any firearm to 112
any person prohibited by section 2923.13 or 2923.15 of the 113
Revised Code from acquiring or using any firearm, or recklessly 114
sell, lend, give, or furnish any dangerous ordnance to any 115
person prohibited by section 2923.13, 2923.15, or 2923.17 of the 116
Revised Code from acquiring or using any dangerous ordnance; 117

(2) Possess any firearm or dangerous ordnance with purpose 118
to dispose of it in violation of division (A) of this section; 119

~~(3) Manufacture, possess for sale, sell, or furnish to any 120
person other than a law enforcement agency for authorized use in 121
police work, any brass knuckles, cestus, billy, blackjack, 122
sandbag, switchblade knife, springblade knife, gravity knife, or 123
similar weapon; 124~~

~~(4) When transferring any dangerous ordnance to another, 125
negligently fail to require the transferee to exhibit such 126
identification, license, or permit showing ~~him~~ the transferee to 127
be authorized to acquire dangerous ordnance pursuant to section 128
2923.17 of the Revised Code, or negligently fail to take a 129
complete record of the transaction and forthwith forward a copy 130
of that record to the sheriff of the county or safety director 131
or police chief of the municipality where the transaction takes 132
place; 133~~

~~(5)~~(4) Knowingly fail to report to law enforcement 134
authorities forthwith the loss or theft of any firearm or 135
dangerous ordnance in the person's possession or under the 136
person's control. 137

(B) Whoever violates this section is guilty of unlawful 138
transactions in weapons. A violation of division (A) (1) or (2) 139
of this section is a felony of the fourth degree. A violation of 140
division (A) (3) ~~or (4)~~ of this section is a misdemeanor of the 141
second degree. A violation of division (A) ~~(5)~~(4) of this 142
section is a misdemeanor of the fourth degree. 143

Section 2. That existing sections 2923.18 and 2923.20 of 144
the Revised Code are hereby repealed. 145