

As Introduced

**133rd General Assembly
Regular Session
2019-2020**

H. B. No. 86

Representative Plummer

A BILL

To amend section 2923.11 of the Revised Code to 1
correct a drafting error in the definition of 2
"dangerous ordnance" that resulted from Am. Sub. 3
H.B. 228 of the 132nd General Assembly. 4

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

Section 1. That section 2923.11 of the Revised Code be 5
amended to read as follows: 6

Sec. 2923.11. As used in sections 2923.11 to 2923.24 of 7
the Revised Code: 8

(A) "Deadly weapon" means any instrument, device, or thing 9
capable of inflicting death, and designed or specially adapted 10
for use as a weapon, or possessed, carried, or used as a weapon. 11

(B) (1) "Firearm" means any deadly weapon capable of 12
expelling or propelling one or more projectiles by the action of 13
an explosive or combustible propellant. "Firearm" includes an 14
unloaded firearm, and any firearm that is inoperable but that 15
can readily be rendered operable. 16

(2) When determining whether a firearm is capable of 17
expelling or propelling one or more projectiles by the action of 18

an explosive or combustible propellant, the trier of fact may 19
rely upon circumstantial evidence, including, but not limited 20
to, the representations and actions of the individual exercising 21
control over the firearm. 22

(C) "Handgun" means any of the following: 23

(1) Any firearm that has a short stock and is designed to 24
be held and fired by the use of a single hand; 25

(2) Any combination of parts from which a firearm of a 26
type described in division (C) (1) of this section can be 27
assembled. 28

(D) "Semi-automatic firearm" means any firearm designed or 29
specially adapted to fire a single cartridge and automatically 30
chamber a succeeding cartridge ready to fire, with a single 31
function of the trigger. 32

(E) "Automatic firearm" means any firearm designed or 33
specially adapted to fire a succession of cartridges with a 34
single function of the trigger. 35

(F) "Sawed-off firearm" means a shotgun with a barrel less 36
than eighteen inches long, or a rifle with a barrel less than 37
sixteen inches long, or a shotgun or rifle less than twenty-six 38
inches long overall. "Sawed-off firearm" does not include any 39
firearm with an overall length of at least twenty-six inches 40
that is approved for sale by the federal bureau of alcohol, 41
tobacco, firearms, and explosives under the "Gun Control Act of 42
1968," 82 Stat. 1213, 18 U.S.C. 921(a) (3), but that is found by 43
the bureau not to be regulated under the "National Firearms 44
Act," 68A Stat. 725 (1934), 26 U.S.C. 5845(a). 45

(G) "Zip-gun" means any of the following: 46

- (1) Any firearm of crude and extemporized manufacture; 47
- (2) Any device, including without limitation a starter's 48
pistol, that is not designed as a firearm, but that is specially 49
adapted for use as a firearm; 50
- (3) Any industrial tool, signalling device, or safety 51
device, that is not designed as a firearm, but that as designed 52
is capable of use as such, when possessed, carried, or used as a 53
firearm. 54
- (H) "Explosive device" means any device designed or 55
specially adapted to cause physical harm to persons or property 56
by means of an explosion, and consisting of an explosive 57
substance or agency and a means to detonate it. "Explosive 58
device" includes without limitation any bomb, any explosive 59
demolition device, any blasting cap or detonator containing an 60
explosive charge, and any pressure vessel that has been 61
knowingly tampered with or arranged so as to explode. 62
- (I) "Incendiary device" means any firebomb, and any device 63
designed or specially adapted to cause physical harm to persons 64
or property by means of fire, and consisting of an incendiary 65
substance or agency and a means to ignite it. 66
- (J) "Ballistic knife" means a knife with a detachable 67
blade that is propelled by a spring-operated mechanism. 68
- (K) "Dangerous ordnance" means any of the following, 69
except as provided in division (L) of this section: 70
- (1) Any automatic or sawed-off firearm, zip-gun, or 71
ballistic knife; 72
- (2) Any explosive device or incendiary device; 73
- (3) Nitroglycerin, nitrocellulose, nitrostarch, PETN, 74

cyclonite, TNT, picric acid, and other high explosives; amatol, 75
tritonite, tetrytol, pentolite, peccretol, cyclotol, and other 76
high explosive compositions; plastic explosives; dynamite, 77
blasting gelatin, gelatin dynamite, sensitized ammonium nitrate, 78
liquid-oxygen blasting explosives, blasting powder, and other 79
blasting agents; and any other explosive substance having 80
sufficient brisance or power to be particularly suitable for use 81
as a military explosive, or for use in mining, quarrying, 82
excavating, or demolitions; 83

(4) Any firearm, rocket launcher, mortar, artillery piece, 84
grenade, mine, bomb, torpedo, or similar weapon, designed and 85
manufactured for military purposes, and the ammunition for that 86
weapon; 87

(5) Any firearm muffler or suppressor; 88

(6) Any combination of parts that is intended by the owner 89
for use in converting any firearm or other device into a 90
dangerous ordnance; 91

~~(7) Any firearm with an overall length of at least twenty-~~ 92
~~six inches that is approved for sale by the federal bureau of~~ 93
~~alcohol, tobacco, firearms, and explosives under the "Gun-~~ 94
~~Control Act of 1968," 82 Stat. 1213, 18 U.S.C. 921(a) (3), but~~ 95
~~that is found by the bureau not to be regulated under the~~ 96
~~"National Firearms Act," 68A Stat. 725 (1934), 26 U.S.C.~~ 97
~~5845(a).~~ 98

(L) "Dangerous ordnance" does not include any of the 99
following: 100

(1) Any firearm, including a military weapon and the 101
ammunition for that weapon, and regardless of its actual age, 102
that employs a percussion cap or other obsolete ignition system, 103

or that is designed and safe for use only with black powder;	104
(2) Any pistol, rifle, or shotgun, designed or suitable for sporting purposes, including a military weapon as issued or as modified, and the ammunition for that weapon, unless the firearm is an automatic or sawed-off firearm;	105 106 107 108
(3) Any cannon or other artillery piece that, regardless of its actual age, is of a type in accepted use prior to 1887, has no mechanical, hydraulic, pneumatic, or other system for absorbing recoil and returning the tube into battery without displacing the carriage, and is designed and safe for use only with black powder;	109 110 111 112 113 114
(4) Black powder, priming quills, and percussion caps possessed and lawfully used to fire a cannon of a type defined in division (L) (3) of this section during displays, celebrations, organized matches or shoots, and target practice, and smokeless and black powder, primers, and percussion caps possessed and lawfully used as a propellant or ignition device in small-arms or small-arms ammunition;	115 116 117 118 119 120 121
(5) Dangerous ordnance that is inoperable or inert and cannot readily be rendered operable or activated, and that is kept as a trophy, souvenir, curio, or museum piece;	122 123 124
(6) Any device that is expressly excepted from the definition of a destructive device pursuant to the "Gun Control Act of 1968," 82 Stat. 1213, 18 U.S.C. 921(a) (4), as amended, and regulations issued under that act;	125 126 127 128
<u>(7) Any firearm with an overall length of at least twenty-six inches that is approved for sale by the federal bureau of alcohol, tobacco, firearms, and explosives under the "Gun Control Act of 1968," 82 Stat. 1213, 18 U.S.C. 921(a) (3), but</u>	129 130 131 132

that is found by the bureau not to be regulated under the 133
"National Firearms Act," 68A Stat. 725 (1934), 26 U.S.C. 134
5845(a). 135

(M) "Explosive" means any chemical compound, mixture, or 136
device, the primary or common purpose of which is to function by 137
explosion. "Explosive" includes all materials that have been 138
classified as division 1.1, division 1.2, division 1.3, or 139
division 1.4 explosives by the United States department of 140
transportation in its regulations and includes, but is not 141
limited to, dynamite, black powder, pellet powders, initiating 142
explosives, blasting caps, electric blasting caps, safety fuses, 143
fuse igniters, squibs, cordeau detonant fuses, instantaneous 144
fuses, and igniter cords and igniters. "Explosive" does not 145
include "fireworks," as defined in section 3743.01 of the 146
Revised Code, or any substance or material otherwise meeting the 147
definition of explosive set forth in this section that is 148
manufactured, sold, possessed, transported, stored, or used in 149
any activity described in section 3743.80 of the Revised Code, 150
provided the activity is conducted in accordance with all 151
applicable laws, rules, and regulations, including, but not 152
limited to, the provisions of section 3743.80 of the Revised 153
Code and the rules of the fire marshal adopted pursuant to 154
section 3737.82 of the Revised Code. 155

(N) (1) "Concealed handgun license" or "license to carry a 156
concealed handgun" means, subject to division (N) (2) of this 157
section, a license or temporary emergency license to carry a 158
concealed handgun issued under section 2923.125 or 2923.1213 of 159
the Revised Code or a license to carry a concealed handgun 160
issued by another state with which the attorney general has 161
entered into a reciprocity agreement under section 109.69 of the 162
Revised Code. 163

(2) A reference in any provision of the Revised Code to a concealed handgun license issued under section 2923.125 of the Revised Code or a license to carry a concealed handgun issued under section 2923.125 of the Revised Code means only a license of the type that is specified in that section. A reference in any provision of the Revised Code to a concealed handgun license issued under section 2923.1213 of the Revised Code, a license to carry a concealed handgun issued under section 2923.1213 of the Revised Code, or a license to carry a concealed handgun on a temporary emergency basis means only a license of the type that is specified in section 2923.1213 of the Revised Code. A reference in any provision of the Revised Code to a concealed handgun license issued by another state or a license to carry a concealed handgun issued by another state means only a license issued by another state with which the attorney general has entered into a reciprocity agreement under section 109.69 of the Revised Code.

(O) "Valid concealed handgun license" or "valid license to carry a concealed handgun" means a concealed handgun license that is currently valid, that is not under a suspension under division (A) (1) of section 2923.128 of the Revised Code, under section 2923.1213 of the Revised Code, or under a suspension provision of the state other than this state in which the license was issued, and that has not been revoked under division (B) (1) of section 2923.128 of the Revised Code, under section 2923.1213 of the Revised Code, or under a revocation provision of the state other than this state in which the license was issued.

(P) "Misdemeanor punishable by imprisonment for a term exceeding one year" does not include any of the following:

(1) Any federal or state offense pertaining to antitrust violations, unfair trade practices, restraints of trade, or other similar offenses relating to the regulation of business practices;

(2) Any misdemeanor offense punishable by a term of imprisonment of two years or less.

(Q) "Alien registration number" means the number issued by the United States citizenship and immigration services agency that is located on the alien's permanent resident card and may also be commonly referred to as the "USCIS number" or the "alien number."

(R) "Active duty" has the same meaning as defined in 10 U.S.C. 101.

Section 2. That existing section 2923.11 of the Revised Code is hereby repealed.

Section 3. The purpose of this act is to correct an amendment to section 2923.11 of the Revised Code made by Am. Sub. H.B. 228 of the 132nd General Assembly by relocating a provision that inadvertently was located in division (K) of that section but that was intended to have been located in division (L) of that section. It is the intent of the General Assembly that a firearm with an overall length of at least twenty-six inches that is approved for sale by the federal bureau of alcohol, tobacco, firearms, and explosives under the "Gun Control Act of 1968," but that is found by the bureau not to be regulated under the "National Firearms Act," is not to be considered dangerous ordnance under Ohio law.

Section 4. The amendments to section 2923.11 of the Revised Code in this act apply retroactively to any civil or

criminal proceeding based on conduct that occurred on or after	223
March 28, 2019, which is the effective date of Am. Sub. H.B. 228	224
of the 132nd General Assembly, and prior to the effective date	225
of this act.	226