

As Introduced

131st General Assembly

Regular Session

2015-2016

H. B. No. 16

Representative Reece

**Cosponsors: Representatives Antonio, Ashford, Boyce, Boyd, Celebrezze, Craig,
Fedor, Howse, Kuhns, Lepore-Hagan, Sheehy, Strahorn, Sykes**

A BILL

To enact sections 2923.51 to 2923.55 of the Revised Code to regulate the commercial sale, modification, and public display of imitation firearms and the disguising of a firearm as an imitation firearm.

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

Section 1. That sections 2923.51, 2923.52, 2923.53, 2923.54, and 2923.55 of the Revised Code be enacted to read as follows:

Sec. 2923.51. As used in sections 2923.51 to 2923.55 of the Revised Code:

(A) "BB device" means any instrument that expels a projectile, such as a BB or a pellet, through the force of air pressure, gas pressure, or spring action, including any airsoft gun and any spot marker or paintball gun.

(B) (1) "Imitation firearm" means, subject to division (B) (2) of this section, any BB device, replica of a firearm, or other device that is so substantially similar in coloration and

overall appearance to an existing firearm as to lead a 18
reasonable person to perceive that the device is a firearm. 19

(2) "Imitation firearm" does not include any toy gun 20
unless the toy gun is a BB device. 21

(C) "Public place" means an area open to the public, 22
including any of the following: 23

(1) A street, alley, sidewalk, driveway, or parking lot; 24

(2) A bridge; 25

(3) A plaza or park; 26

(4) A front yard; 27

(5) A motor vehicle, as defined in section 4511.01 of the 28
Revised Code, whether moving or not; 29

(6) A building open to the general public, including one 30
that serves food or drink or that provides entertainment; 31

(7) A doorway or entrance to a building or dwelling; 32

(8) A school operated by a board of education or a 33
community school established under Chapter 3314. of the Revised 34
Code; 35

(9) Any premises owned or leased by a public or private 36
college, university, or other institution of higher education. 37

(D) "Firearm" and "handgun" have the same meanings as in 38
section 2923.11 of the Revised Code. 39

(E) Except as used in division (C) (9) of this section, 40
"school" has the same meaning as in section 2925.01 of the 41
Revised Code. 42

Sec. 2923.52. (A) No person, for commercial purposes, 43

shall knowingly sell an imitation firearm in this state on or 44
after January 1, 2016. 45

(B) Whoever violates division (A) of this section is 46
guilty of commercial sale of an illegal imitation firearm, a 47
misdemeanor of the first degree. 48

(C) Division (A) of this section does not apply to the 49
sale of any of the following: 50

(1) A nonfiring collector's replica that is historically 51
significant and is offered for sale in conjunction with a wall 52
plaque or presentation case; 53

(2) A BB device that is a spot marker gun that expels a 54
projectile that is greater than 10mm caliber; 55

(3) A BB device that expels a projectile, such as a BB or 56
pellet, that is other than 6mm or 8mm caliber; 57

(4) A BB device that is an airsoft gun that expels a 58
projectile, such as a BB or pellet, that is 6mm or 8mm caliber, 59
if the device contains the blaze orange ring on the barrel 60
required by federal law, has a trigger guard that has 61
fluorescent coloration over the entire guard, and meets either 62
of the following: 63

(a) If the airsoft gun is configured as a handgun, there 64
is a two centimeter wide adhesive band around the circumference 65
of the protruding pistol grip that has fluorescent coloration 66
and the adhesive band is applied in a manner not intended for 67
removal and is in place on the airsoft gun prior to sale to a 68
customer; 69

(b) If the airsoft gun is configured as a rifle or long 70
gun, there is a two centimeter wide adhesive band with 71

fluorescent coloring, applied in a manner and in place as 72
described in division (C) (4) (a) of this section, around the 73
circumference of any two or more of the following: 74

(i) The protruding pistol grip; 75

(ii) The buttstock; 76

(iii) A protruding ammunition magazine or clip. 77

(5) A device the entire exterior surface of which is 78
white, bright red, bright orange, bright yellow, bright green, 79
bright blue, bright pink, or bright purple, either singly or as 80
the predominant color in combination with other colors in any 81
pattern; 82

(6) A device that is entirely constructed of transparent 83
or translucent materials that permits unmistakable observation 84
of the device's complete contents. 85

(D) Division (A) of this section does not apply to a sale 86
of an imitation firearm for any of the following purposes: 87

(1) Solely for export in interstate or foreign commerce; 88

(2) Solely for lawful use in any theatrical production, 89
including any motion picture, video, television, or stage 90
production; 91

(3) For use in a certified or regulated sporting event or 92
competition; 93

(4) For use in any military or civil defense activity or 94
ceremonial activity; 95

(5) For any public display authorized by a school. 96

Sec. 2923.53. (A) No person, on or after January 1, 2016, 97
shall knowingly change, alter, remove, or obliterate any 98

coloration, markings, or bands that are required by any 99
applicable law or regulation of this state or the United States 100
for any imitation firearm in a way that makes the imitation 101
firearm or device look more like a firearm. 102

(B) No person, on or after January 1, 2016, shall 103
knowingly add to any firearm any coloration, markings, or bands 104
that are required by any law or regulation of this state or the 105
United States for any imitation firearm in a way that makes the 106
firearm look more like an imitation firearm. 107

(C) (1) Whoever violates division (A) of this section is 108
guilty of alteration of an imitation firearm, a misdemeanor of 109
the first degree. 110

(2) Whoever violates division (B) of this section is 111
guilty of disguising a firearm as an imitation firearm, a 112
misdemeanor of the first degree. 113

(D) Division (A) of this section does not apply to any of 114
the following: 115

(1) A manufacturer, importer, or distributor of imitation 116
firearms; 117

(2) A lawful use in any theatrical production, including 118
any motion picture, video, television, or stage production. 119

Sec. 2923.54. (A) No person shall knowingly openly display 120
or expose any imitation firearm in a public place on or after 121
January 1, 2016. 122

(B) Whoever violates division (A) of this section is 123
guilty of illegal public display of an imitation firearm, a 124
misdemeanor of the first degree. 125

(C) Division (A) of this section does not apply in any of 126

- the following circumstances: 127
- (1) The imitation firearm is packaged or concealed so that 128
it is not subject to public viewing. 129
- (2) The imitation firearm is displayed or exposed in the 130
course of commerce, including a commercial film or video 131
production, or for service, repair, or restoration of the 132
imitation firearm. 133
- (3) The imitation firearm is used in a theatrical 134
production, including any motion picture, video, television, or 135
stage production. 136
- (4) The imitation firearm is used in conjunction with a 137
certified or regulated sporting event or competition. 138
- (5) The imitation firearm is used in conjunction with 139
lawful hunting or a lawful pest control activity. 140
- (6) The imitation firearm is used or possessed at a 141
certified or regulated public or private shooting range. 142
- (7) The imitation firearm is used at a fair, exhibition, 143
exposition, or other similar activity for which a permit has 144
been obtained from a local or state government. 145
- (8) The imitation firearm is used in a military, civil 146
defense, or civic activity, including a flag ceremony, color 147
guard, parade, award presentation, historical reenactment, or 148
memorial. 149
- (9) The imitation firearm is used for a public display 150
authorized by a school or a display that is part of a museum 151
collection. 152
- (10) The imitation firearm is used in a parade, ceremony, 153

or other similar activity for which a permit has been obtained 154
from a local or state government. 155

(11) The imitation firearm is displayed on a wall plaque 156
or in a presentation case. 157

(12) The imitation firearm is being used in an area where 158
the discharge of a firearm is lawful. 159

(13) (a) The entire exterior surface of the imitation 160
firearm is white, bright red, bright orange, bright yellow, 161
bright green, bright blue, bright pink, or bright purple, either 162
singly or as the predominant color in combination with other 163
colors in any pattern, or the entire device is constructed of 164
transparent or translucent material that permits unmistakable 165
observation of the device's complete contents. 166

(b) To satisfy the requirement of division (C) (13) (a) of 167
this section, the entire surface must be colored or transparent 168
or translucent, and merely having an orange tip as provided in 169
federal law and regulations does not satisfy that requirement. 170

Sec. 2923.55. (A) Any imitation firearm manufactured after 171
July 1, 2015, shall be accompanied, at the time of offer for 172
commercial sale in this state, by a conspicuous advisory in 173
writing as part of the packaging of the imitation firearm to the 174
effect that all of the following apply: 175

(1) The product may be mistaken for a firearm by law 176
enforcement officers or others. 177

(2) Altering the coloration or markings required by state 178
or federal law or regulations so as to make the product look 179
more like a firearm is dangerous and may be a crime. 180

(3) Brandishing or displaying the product in public may 181

cause confusion and may be a crime. 182

(B) To comply with division (A) of this section, the 183
conspicuous advisory may be, but is not required to be, affixed 184
to the imitation firearm. 185

(C) No manufacturer, importer, or distributor shall 186
knowingly fail to comply with division (A) of this section. 187

(D) A manufacturer, importer, or distributor that violates 188
division (C) of this section is guilty of failure to provide 189
imitation firearm warnings, a misdemeanor, and shall be fined as 190
follows: 191

(1) Except as otherwise provided in division (D) (2) or (3) 192
of this section, the offender shall be fined not more than one 193
thousand dollars. 194

(2) If the offender once previously has been convicted of 195
or pleaded guilty to a violation of division (C) of this 196
section, the offender shall be fined not more than five thousand 197
dollars. 198

(3) If the offender two or more times previously has been 199
convicted of or pleaded guilty to a violation of division (C) of 200
this section, the offender shall be fined not more than ten 201
thousand dollars. 202