

As Introduced

131st General Assembly

Regular Session

2015-2016

H. B. No. 460

Representative Vitale

**Cosponsors: Representatives Becker, Brenner, Brinkman, Buchy, Green, Hood,
Retherford, Thompson, Young, Zeltwanger**

A BILL

To enact section 2923.26 of the Revised Code to 1
prohibit the state, a political subdivision, and 2
any official, agent, or employee of any state or 3
local government agency from knowingly enforcing 4
or attempting to enforce any federal statute or 5
regulation regarding a firearm, and to declare 6
an emergency. 7

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

Section 1. That section 2923.26 of the Revised Code be 8
enacted to read as follows: 9

Sec. 2923.26. (A) As used in this section: 10

(1) "Ammunition" means any projectile capable of being 11
expelled or propelled from a firearm by the action of an 12
explosive or combustible propellant. 13

(2) "Firearm" has the same meaning as in section 2923.11 14
of the Revised Code. 15

(3) "Firearm accessory" means any item that is used in 16

conjunction with or mounted upon a firearm but that is not 17
essential to the basic function of a firearm, including, but not 18
limited to, any telescopic or laser sight, magazine, folding or 19
aftermarket stock or grip, speed loader, ammunition carrier, 20
optic for target identification, or light for target 21
identification. 22

(4) "Political subdivision" means a county, township, 23
municipal corporation, or any other body corporate and politic 24
that is responsible for government activities in a geographic 25
area smaller than that of the state. 26

(5) "State or local government agency" means any 27
department, division, agency, office, instrumentality, board, 28
commission, or other unit of government of this state or of a 29
political subdivision of this state. 30

(B) Notwithstanding any law or rules to the contrary, 31
unless required to do so pursuant to a court order, the state, a 32
political subdivision, or any official, agent, or employee of a 33
state or local government agency acting within the scope of the 34
official's, agent's, or employee's duties, shall not knowingly 35
do any of the following: 36

(1) Participate in the enforcement of any federal act, 37
statute, law, rule, or regulation that is adopted, promulgated, 38
or becomes effective on or after January 1, 2016, as amended, 39
regarding a personal firearm, firearm accessory, or ammunition; 40

(2) Use any assets, state funds, or funds allocated by the 41
state to a political subdivision on or after the effective date 42
of this section, in whole or in part, to engage in any activity 43
that aids a federal agency, federal agent, or corporation 44
providing services to the federal government in any enforcement 45

action or investigation in connection with the enforcement of a 46
federal act, statute, law, rule, or regulation that is adopted, 47
promulgated, or becomes effective on or after January 1, 2016, 48
as amended, regarding a personal firearm, firearm accessory, or 49
ammunition. 50

(C) (1) An official, agent, or employee of any state or 51
local government agency who violates this section is guilty of 52
enforcement of a federal firearm law or regulation, a 53
misdemeanor of the first degree. 54

(2) Notwithstanding section 2929.28 of the Revised Code, 55
the court shall impose a fine on the offender of one thousand 56
dollars. The court shall not impose a jail term on an offender 57
under section 2929.24 of the Revised Code unless the offender 58
previously has been convicted of or pleaded guilty to a 59
violation of this section. 60

(D) If a political subdivision adopts a rule, ordinance, 61
or policy that requires the political subdivision or any 62
official, agent, or employee of the political subdivision to 63
violate this section, no money that is part of the state 64
treasury or in the custody of the state treasurer may be 65
appropriated, disbursed, expended, or otherwise provided, 66
directly or indirectly, to the political subdivision for the 67
fiscal year following the year in which a final judicial 68
determination is made that the political subdivision has 69
knowingly required the political subdivision or any official, 70
agent, or employee of the political subdivision to perform an 71
act that violates this section. 72

Section 2. This act is hereby declared to be an emergency 73
measure necessary for the immediate preservation of the public 74
peace, health, and safety. The reason for such necessity is to 75

enable Ohio to protect Ohio's residents' fundamental right to	76
keep and bear arms. Therefore, this act shall go into immediate	77
effect.	78