

As Introduced

132nd General Assembly

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S. B. No. 286

Senators Thomas, Schiavoni

Cosponsors: Senators Skindell, Williams, Tavares, Brown, Sykes

A BILL

To amend sections 2923.11 and 5502.01 and to enact 1
sections 2923.22, 2923.221, and 2923.222 of the 2
Revised Code to require firearms to be 3
registered with the county sheriff in the county 4
where the firearm owner resides. 5

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

Section 1. That sections 2923.11 and 5502.01 be amended 6
and sections 2923.22, 2923.221, and 2923.222 of the Revised Code 7
be enacted to read as follows: 8

Sec. 2923.11. As used in sections 2923.11 to 2923.24 of 9
the Revised Code: 10

(A) "Deadly weapon" means any instrument, device, or thing 11
capable of inflicting death, and designed or specially adapted 12
for use as a weapon, or possessed, carried, or used as a weapon. 13

(B) (1) "Firearm" means any deadly weapon capable of 14
expelling or propelling one or more projectiles by the action of 15
an explosive or combustible propellant. "Firearm" includes an 16
unloaded firearm, and any firearm that is inoperable but that 17
can readily be rendered operable. 18

(2) When determining whether a firearm is capable of expelling or propelling one or more projectiles by the action of an explosive or combustible propellant, the trier of fact may rely upon circumstantial evidence, including, but not limited to, the representations and actions of the individual exercising control over the firearm.

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

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

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

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

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

(F) "Sawed-off firearm" means a shotgun with a barrel less than eighteen inches long, or a rifle with a barrel less than sixteen inches long, or a shotgun or rifle less than twenty-six inches long overall.

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

(1) Any firearm of crude and extemporized manufacture;

(2) Any device, including without limitation a starter's pistol, that is not designed as a firearm, but that is specially adapted for use as a firearm;

(3) Any industrial tool, signalling device, or safety device, that is not designed as a firearm, but that as designed is capable of use as such, when possessed, carried, or used as a firearm.

(H) "Explosive device" means any device designed or specially adapted to cause physical harm to persons or property by means of an explosion, and consisting of an explosive substance or agency and a means to detonate it. "Explosive device" includes without limitation any bomb, any explosive demolition device, any blasting cap or detonator containing an explosive charge, and any pressure vessel that has been knowingly tampered with or arranged so as to explode.

(I) "Incendiary device" means any firebomb, and any device designed or specially adapted to cause physical harm to persons or property by means of fire, and consisting of an incendiary substance or agency and a means to ignite it.

(J) "Ballistic knife" means a knife with a detachable blade that is propelled by a spring-operated mechanism.

(K) "Dangerous ordnance" means any of the following, except as provided in division (L) of this section:

(1) Any automatic or sawed-off firearm, zip-gun, or ballistic knife;

(2) Any explosive device or incendiary device;

(3) Nitroglycerin, nitrocellulose, nitrostarch, PETN, cyclonite, TNT, picric acid, and other high explosives; amatol, tritonal, tetrytol, pentolite, pecretol, cyclotol, and other high explosive compositions; plastic explosives; dynamite, blasting gelatin, gelatin dynamite, sensitized ammonium nitrate, liquid-oxygen blasting explosives, blasting powder, and other

blasting agents; and any other explosive substance having 76
sufficient brisance or power to be particularly suitable for use 77
as a military explosive, or for use in mining, quarrying, 78
excavating, or demolitions; 79

(4) Any firearm, rocket launcher, mortar, artillery piece, 80
grenade, mine, bomb, torpedo, or similar weapon, designed and 81
manufactured for military purposes, and the ammunition for that 82
weapon; 83

(5) Any firearm muffler or suppressor; 84

(6) Any combination of parts that is intended by the owner 85
for use in converting any firearm or other device into a 86
dangerous ordnance. 87

(L) "Dangerous ordnance" does not include any of the 88
following: 89

(1) Any firearm, including a military weapon and the 90
ammunition for that weapon, and regardless of its actual age, 91
that employs a percussion cap or other obsolete ignition system, 92
or that is designed and safe for use only with black powder; 93

(2) Any pistol, rifle, or shotgun, designed or suitable 94
for sporting purposes, including a military weapon as issued or 95
as modified, and the ammunition for that weapon, unless the 96
firearm is an automatic or sawed-off firearm; 97

(3) Any cannon or other artillery piece that, regardless 98
of its actual age, is of a type in accepted use prior to 1887, 99
has no mechanical, hydraulic, pneumatic, or other system for 100
absorbing recoil and returning the tube into battery without 101
displacing the carriage, and is designed and safe for use only 102
with black powder; 103

(4) Black powder, priming quills, and percussion caps 104
possessed and lawfully used to fire a cannon of a type defined 105
in division (L) (3) of this section during displays, 106
celebrations, organized matches or shoots, and target practice, 107
and smokeless and black powder, primers, and percussion caps 108
possessed and lawfully used as a propellant or ignition device 109
in small-arms or small-arms ammunition; 110

(5) Dangerous ordnance that is inoperable or inert and 111
cannot readily be rendered operable or activated, and that is 112
kept as a trophy, souvenir, curio, or museum piece. 113

(6) Any device that is expressly excepted from the 114
definition of a destructive device pursuant to the "Gun Control 115
Act of 1968," 82 Stat. 1213, 18 U.S.C. 921(a) (4), as amended, 116
and regulations issued under that act. 117

(M) "Explosive" means any chemical compound, mixture, or 118
device, the primary or common purpose of which is to function by 119
explosion. "Explosive" includes all materials that have been 120
classified as division 1.1, division 1.2, division 1.3, or 121
division 1.4 explosives by the United States department of 122
transportation in its regulations and includes, but is not 123
limited to, dynamite, black powder, pellet powders, initiating 124
explosives, blasting caps, electric blasting caps, safety fuses, 125
fuse igniters, squibs, cordeau detonant fuses, instantaneous 126
fuses, and igniter cords and igniters. "Explosive" does not 127
include "fireworks," as defined in section 3743.01 of the 128
Revised Code, or any substance or material otherwise meeting the 129
definition of explosive set forth in this section that is 130
manufactured, sold, possessed, transported, stored, or used in 131
any activity described in section 3743.80 of the Revised Code, 132
provided the activity is conducted in accordance with all 133

applicable laws, rules, and regulations, including, but not 134
limited to, the provisions of section 3743.80 of the Revised 135
Code and the rules of the fire marshal adopted pursuant to 136
section 3737.82 of the Revised Code. 137

(N) (1) "Concealed handgun license" or "license to carry a 138
concealed handgun" means, subject to division (N) (2) of this 139
section, a license or temporary emergency license to carry a 140
concealed handgun issued under section 2923.125 or 2923.1213 of 141
the Revised Code or a license to carry a concealed handgun 142
issued by another state with which the attorney general has 143
entered into a reciprocity agreement under section 109.69 of the 144
Revised Code. 145

(2) A reference in any provision of the Revised Code to a 146
concealed handgun license issued under section 2923.125 of the 147
Revised Code or a license to carry a concealed handgun issued 148
under section 2923.125 of the Revised Code means only a license 149
of the type that is specified in that section. A reference in 150
any provision of the Revised Code to a concealed handgun license 151
issued under section 2923.1213 of the Revised Code, a license to 152
carry a concealed handgun issued under section 2923.1213 of the 153
Revised Code, or a license to carry a concealed handgun on a 154
temporary emergency basis means only a license of the type that 155
is specified in section 2923.1213 of the Revised Code. A 156
reference in any provision of the Revised Code to a concealed 157
handgun license issued by another state or a license to carry a 158
concealed handgun issued by another state means only a license 159
issued by another state with which the attorney general has 160
entered into a reciprocity agreement under section 109.69 of the 161
Revised Code. 162

(O) "Valid concealed handgun license" or "valid license to 163

carry a concealed handgun" means a concealed handgun license 164
that is currently valid, that is not under a suspension under 165
division (A) (1) of section 2923.128 of the Revised Code, under 166
section 2923.1213 of the Revised Code, or under a suspension 167
provision of the state other than this state in which the 168
license was issued, and that has not been revoked under division 169
(B) (1) of section 2923.128 of the Revised Code, under section 170
2923.1213 of the Revised Code, or under a revocation provision 171
of the state other than this state in which the license was 172
issued. 173

(P) "Misdemeanor punishable by imprisonment for a term 174
exceeding one year" does not include any of the following: 175

(1) Any federal or state offense pertaining to antitrust 176
violations, unfair trade practices, restraints of trade, or 177
other similar offenses relating to the regulation of business 178
practices; 179

(2) Any misdemeanor offense punishable by a term of 180
imprisonment of two years or less. 181

(Q) "Alien registration number" means the number issued by 182
the United States citizenship and immigration services agency 183
that is located on the alien's permanent resident card and may 184
also be commonly referred to as the "USCIS number" or the "alien 185
number." 186

(R) "Active duty" has the same meaning as defined in 10 187
U.S.C. 101. 188

(S) "Antique firearm" means a firearm that is designed to 189
fire loose black powder or that was manufactured prior to 1899. 190

Sec. 2923.22. (A) Except as otherwise provided in this 191
section, no person shall knowingly possess a firearm in this 192

state for more than five days unless that person has registered 193
the firearm with the county sheriff of the county in which the 194
person resides in accordance with this section. 195

(B) A person who possesses, acquires, or purchases a 196
firearm within this state must provide all of the following 197
information to the sheriff of the county in which the person 198
resides within five days of the date of possession, acquisition, 199
or purchase, and, except as provided in division (D) of this 200
section, any reasonable fee charged by the sheriff to 201
accommodate the registration process: 202

(1) The individual's full name and any nicknames; 203

(2) The individual's date of birth; 204

(3) The individual's gender; 205

(4) The individual's home address, as well as any home 206
address used by the applicant at any time during the five years 207
prior to the application; 208

(5) The caliber, make, model, manufacturer identification 209
number, serial number, and other identifying marks on the 210
firearm to be registered; 211

(6) The name and address of the individual or entity from 212
whom the firearm was obtained and, if the individual or entity 213
was a federally licensed firearms dealer, the federal firearms 214
license number of that individual or entity; 215

(7) The individual's photograph and a fingerprint; 216

(8) Whether the person has ever failed a background check 217
that barred the person from purchasing or registering a firearm; 218

(9) Whether the person has ever had a license, permit, or 219

registration to carry or possess a firearm denied or revoked in 220
this or any other state; 221

(10) The location that the person plans to keep the 222
firearm that the person is registering. 223

(C) The sheriff who receives the information described in 224
division (B) of this section shall enter the information into 225
the law enforcement automated data system and issue the person a 226
firearm registration certificate. 227

(D) The sheriff shall waive any registration fee charged 228
to a law enforcement officer or active duty member of the armed 229
forces of the United States for a firearm possessed by the 230
person for the performance of the person's official duties. 231

(E) A person who has been issued a registration 232
certificate under division (C) of this section shall notify the 233
sheriff of the county in which the person resides of any loss, 234
theft, or destruction of a registration certificate issued under 235
this section and the sheriff, upon verifying the information 236
required in division (B) of this section, shall issue a new 237
registration certificate to the person. 238

(F) A firearm registration certificate issued under this 239
section is valid for five years after the date of issuance. The 240
sheriff shall issue a renewal registration certificate, good for 241
five years after the date of issuance, to any individual who 242
provides or verifies with respect to the firearm all of the 243
information required in division (B) of this section. 244

(G) This section does not apply to possession of either of 245
the following items: 246

(1) An antique firearm; 247

(2) A firearm or destructive device that is not 248
serviceable and is registered with the bureau of tobacco, 249
firearms, and explosives pursuant to federal law. 250

(H) This section does not apply to any of the following 251
persons: 252

(1) A person who is a federally licensed firearms dealer 253
with respect to any firearm acquired and kept by the person in 254
the normal course of business, at the location described in the 255
dealer's license, and not for private use or protection or for 256
the protection of the person's business; 257

(2) A person who is a resident of another state and who is 258
participating in a lawful firearm-related recreational activity 259
in this state, or heading to or from such lawful activity in 260
this state or another state, if the person is permitted to 261
possess or control the firearm in the state in which the person 262
resides; 263

(3) A person who temporarily possesses a firearm 264
registered to another person while in the home of the person who 265
owns the firearm, provided that the person is not otherwise 266
prohibited from possessing a firearm and provided that the 267
person reasonably believes that possession of the firearm is 268
necessary to prevent imminent death or great bodily harm to the 269
person; 270

(4) A person who temporarily possesses a firearm while 271
participating in a firearms training and safety class conducted 272
by a firearms instructor. 273

(I) Whoever violates division (A) of this section is 274
guilty of failure to register a firearm, a misdemeanor of the 275
fourth degree. If the offender has previously been convicted of 276

or pleaded guilty to a violation of this section, failure to 277
register a firearm is a misdemeanor of the second degree. If the 278
offender has previously been convicted of or pleaded guilty to 279
two or more violations of this section, failure to register a 280
firearm is a first degree misdemeanor. 281

(J) Notwithstanding anything to the contrary in sections 282
2929.21 to 2929.27 of the Revised Code, a court shall not impose 283
a term of incarceration or community control on a person for a 284
violation of this section unless the offender has previously 285
been convicted of or pleaded guilty to two or more violations of 286
this section. 287

Sec. 2923.221. (A) No person with knowledge that a firearm 288
registered to the person pursuant to section 2923.22 of the 289
Revised Code has been lost, stolen, or destroyed shall fail to 290
report the loss, theft, or destruction to the sheriff of the 291
county in which the person resides within five days after the 292
date the person becomes aware of the loss, theft, or 293
destruction. A person who violates this section is guilty of 294
failure to report a lost, stolen, or destroyed firearm. Except 295
as otherwise provided in divisions (B) and (C) of this section, 296
failure to report a lost, stolen, or destroyed firearm is a 297
misdemeanor of the fourth degree. 298

(B) Except as provided in division (C) of this section, if 299
a person has previously been convicted of or pleaded guilty to a 300
violation of this section, failure to report a lost, stolen, or 301
destroyed firearm is a misdemeanor of the second degree. 302

(C) If a person has previously been convicted of or 303
pleaded guilty to two or more violations of this section, 304
failure to report a lost, stolen, or destroyed firearm is a 305
misdemeanor of the first degree. 306

(D) Notwithstanding anything to the contrary in sections 2929.21 to 2929.27 of the Revised Code, a court shall not impose a term of incarceration or community control on a person for violating this section unless the offender has previously been convicted of or pleaded guilty to two or more violations of this section. 307
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Sec. 2923.222. (A) The department of public safety shall create and publish on its web site a pamphlet that explains the requirements of section 2923.22 of the Revised Code and contains a warning that a person who purchases or receives a firearm must register the firearm within five days of the purchase or acquisition or face criminal penalties. 313
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(B) No person shall knowingly sell a firearm in this state without providing the pamphlet described in division (A) of this section to the purchaser. 319
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(C) (1) A person who violates this section is guilty of failure to notify a firearm purchaser. Except as otherwise provided in this division and division (C) (2) of this section, failure to notify a firearm purchaser is a minor misdemeanor. If the offender has previously been convicted of or pleaded guilty to a violation of this section, failure to notify a firearm purchaser is a misdemeanor of the third degree. If the offender has previously been convicted of or pleaded guilty to two or more violations of this section, failure to notify a firearm purchaser is a misdemeanor of the first degree. 322
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(2) If the offender is a federally licensed firearms dealer, regardless of the number of prior convictions or guilty pleas for violations of this section, failure to notify a firearm purchaser is a misdemeanor of the first degree. 332
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(D) Notwithstanding anything to the contrary in sections 2929.21 to 2929.27 of the Revised Code, a court shall not impose a term of incarceration or community control on a person for a violation of this section.

Sec. 5502.01. (A) The department of public safety shall administer and enforce the laws relating to the registration, licensing, sale, and operation of motor vehicles and the laws pertaining to the licensing of drivers of motor vehicles.

The department shall compile, analyze, and publish statistics relative to motor vehicle accidents and the causes of them, prepare and conduct educational programs for the purpose of promoting safety in the operation of motor vehicles on the highways, and conduct research and studies for the purpose of promoting safety on the highways of this state.

(B) The department shall administer the laws and rules relative to trauma and emergency medical services specified in Chapter 4765. of the Revised Code and any laws and rules relative to medical transportation services specified in Chapter 4766. of the Revised Code.

(C) The department shall administer and enforce the laws contained in Chapters 4301. and 4303. of the Revised Code and enforce the rules and orders of the liquor control commission pertaining to retail liquor permit holders.

(D) The department shall administer the laws governing the state emergency management agency and shall enforce all additional duties and responsibilities as prescribed in the Revised Code related to emergency management services.

(E) The department shall conduct investigations pursuant to Chapter 5101. of the Revised Code in support of the duty of

the department of job and family services to administer the 365
supplemental nutrition assistance program throughout this state. 366
The department of public safety shall conduct investigations 367
necessary to protect the state's property rights and interests 368
in the supplemental nutrition assistance program. 369

(F) The department of public safety shall enforce 370
compliance with orders and rules of the public utilities 371
commission and applicable laws in accordance with Chapters 372
4905., 4921., and 4923. of the Revised Code regarding commercial 373
motor vehicle transportation safety, economic, and hazardous 374
materials requirements. 375

(G) Notwithstanding Chapter 4117. of the Revised Code, the 376
department of public safety may establish requirements for its 377
enforcement personnel, including its enforcement agents 378
described in section 5502.14 of the Revised Code, that include 379
standards of conduct, work rules and procedures, and criteria 380
for eligibility as law enforcement personnel. 381

(H) The department shall administer, maintain, and operate 382
the Ohio criminal justice network. The Ohio criminal justice 383
network shall be a computer network that supports state and 384
local criminal justice activities. The network shall be an 385
electronic repository for various data, which may include arrest 386
warrants, notices of persons wanted by law enforcement agencies, 387
criminal records, prison inmate records, stolen vehicle records, 388
vehicle operator's licenses, and vehicle registrations and 389
titles. 390

(I) The department shall coordinate all homeland security 391
activities of all state agencies and shall be a liaison between 392
state agencies and local entities for those activities and 393
related purposes. 394

(J) Beginning July 1, 2004, the department shall 395
administer and enforce the laws relative to private 396
investigators and security service providers specified in 397
Chapter 4749. of the Revised Code. 398

(K) The department shall administer criminal justice 399
services in accordance with sections 5502.61 to 5502.66 of the 400
Revised Code. 401

(L) The department shall coordinate security measures and 402
operations, and may direct the department of administrative 403
services to implement any security measures and operations the 404
department of public safety requires, at the Vern Riffe Center 405
and the James A. Rhodes state office tower. 406

Notwithstanding section 125.28 of the Revised Code, the 407
director of public safety may recover the costs of directing 408
security measures and operations under this division by either 409
issuing intrastate transfer voucher billings to the department 410
of administrative services, which the department shall process 411
to pay for the costs, or, upon the request of the director of 412
administrative services, the director of budget and management 413
may transfer cash in the requested amount from the building 414
management fund created under section 125.28 of the Revised 415
Code. Payments received or cash transfers made under this 416
division for the costs of directing security measures and 417
operations shall be deposited into the state treasury to the 418
credit of the security, investigations, and policing fund 419
created under section 4501.11 of the Revised Code. 420

(M) The department shall prepare public education 421
materials, including the pamphlet described in division (A) of 422
section 2923.222 of the Revised Code, regarding the registration 423
and notification requirements for the sale or purchase of 424

firearms contained in sections 2923.22, 2923.221, and 2923.222 425
of the Revised Code. The department shall provide copies of 426
materials produced under this division to federally licensed 427
firearms dealers, publish the pamphlet described in division (A) 428
of section 2923.222 of the Revised Code on its web site, and 429
make other materials available to the public upon request. 430

As used in this division, "federally licensed firearms 431
dealer" has the same meaning as in section 5502.63 of the 432
Revised Code. 433

Section 2. That existing sections 2923.11 and 5502.01 of 434
the Revised Code are hereby repealed. 435

Section 3. Sections 1 and 2 of this act shall take effect 436
six months after the effective date of this section. 437