

As Introduced

133rd General Assembly

Regular Session

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H. B. No. 248

Representatives Powell, Smith, T.

Cosponsors: Representatives Plummer, Antani, Wiggam, Riedel, Becker, Seitz

A BILL

To amend sections 2923.13 and 2923.20 of the 1
Revised Code to exempt certain antique firearms 2
from the prohibitions against having weapons 3
while under disability and unlawful transactions 4
in weapons. 5

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

Section 1. That sections 2923.13 and 2923.20 of the 6
Revised Code be amended to read as follows: 7

Sec. 2923.13. (A) Unless relieved from disability under 8
operation of law or legal process, no person shall knowingly 9
acquire, have, carry, or use any firearm or dangerous ordnance, 10
if any of the following apply: 11

(1) The person is a fugitive from justice. 12

(2) The person is under indictment for or has been 13
convicted of any felony offense of violence or has been 14
adjudicated a delinquent child for the commission of an offense 15
that, if committed by an adult, would have been a felony offense 16
of violence. 17

(3) The person is under indictment for or has been 18
convicted of any felony offense involving the illegal 19
possession, use, sale, administration, distribution, or 20
trafficking in any drug of abuse or has been adjudicated a 21
delinquent child for the commission of an offense that, if 22
committed by an adult, would have been a felony offense 23
involving the illegal possession, use, sale, administration, 24
distribution, or trafficking in any drug of abuse. 25

(4) The person is drug dependent, in danger of drug 26
dependence, or a chronic alcoholic. 27

(5) The person is under adjudication of mental 28
incompetence, has been adjudicated as a mental defective, has 29
been committed to a mental institution, has been found by a 30
court to be a mentally ill person subject to court order, or is 31
an involuntary patient other than one who is a patient only for 32
purposes of observation. As used in this division, "mentally ill 33
person subject to court order" and "patient" have the same 34
meanings as in section 5122.01 of the Revised Code. 35

(B) Whoever violates this section is guilty of having 36
weapons while under disability, a felony of the third degree. 37

(C) Division (A) of this section does not prohibit any 38
person from acquiring, having, carrying, or using an antique 39
firearm. 40

(D) For the purposes of this section, ~~"under~~ : 41

(1) "Under operation of law or legal process" shall not 42
itself include mere completion, termination, or expiration of a 43
sentence imposed as a result of a criminal conviction. 44

(2) "Antique firearm" means any of the following: 45

(a) A firearm with a matchlock, flintlock, percussion cap, 46
or similar type of ignition system manufactured in or before 47
1898. 48

(b) A replica of a firearm described in division (D)(2)(a) 49
of this section if the replica is not designed or redesigned for 50
using rimfire or conventional centerfire fixed ammunition or the 51
replica uses rimfire or conventional centerfire fixed ammunition 52
that is no longer manufactured in the United States and is not 53
readily available in the ordinary channels of commercial trade. 54

(c) A muzzle loading rifle, shotgun, or pistol that is 55
designed to use black powder, or a black powder substitute, and 56
that cannot use fixed ammunition, other than a firearm described 57
in division (D)(3) of this section. 58

(3) "Antique firearm" does not include a weapon that 59
incorporates a firearm frame or receiver, a firearm that is 60
converted into a muzzle loading weapon, or a muzzle loading 61
weapon that can be readily converted to fire fixed ammunition by 62
replacing the barrel, bolt, breechblock, or any combination 63
thereof. 64

Sec. 2923.20. (A) No person shall do any of the following: 65

(1) Recklessly sell, lend, give, or furnish any firearm to 66
any person prohibited by section 2923.13 or 2923.15 of the 67
Revised Code from acquiring or using any firearm, other than an 68
antique firearm, or recklessly sell, lend, give, or furnish any 69
dangerous ordnance to any person prohibited by section 2923.13, 70
2923.15, or 2923.17 of the Revised Code from acquiring or using 71
any dangerous ordnance; 72

(2) Possess any firearm or dangerous ordnance with purpose 73
to dispose of it in violation of division (A) of this section; 74

(3) Except as otherwise provided in division (B) of this	75
section, knowingly solicit, persuade, encourage, or entice a	76
federally licensed firearms dealer or private seller to transfer	77
a firearm or ammunition to any person in a manner prohibited by	78
state or federal law;	79
(4) Except as otherwise provided in division (B) of this	80
section, with an intent to deceive, knowingly provide materially	81
false information to a federally licensed firearms dealer or	82
private seller;	83
(5) Except as otherwise provided in division (B) of this	84
section, knowingly procure, solicit, persuade, encourage, or	85
entice a person to act in violation of division (A) (3) or (4) of	86
this section;	87
(6) Manufacture, possess for sale, sell, or furnish to any	88
person other than a law enforcement agency for authorized use in	89
police work, any brass knuckles, cestus, billy, blackjack,	90
sandbag, switchblade knife, springblade knife, gravity knife, or	91
similar weapon;	92
(7) When transferring any dangerous ordnance to another,	93
negligently fail to require the transferee to exhibit such	94
identification, license, or permit showing the transferee to be	95
authorized to acquire dangerous ordnance pursuant to section	96
2923.17 of the Revised Code, or negligently fail to take a	97
complete record of the transaction and forthwith forward a copy	98
of that record to the sheriff of the county or safety director	99
or police chief of the municipality where the transaction takes	100
place;	101
(8) Knowingly fail to report to law enforcement	102
authorities forthwith the loss or theft of any firearm or	103

dangerous ordnance in the person's possession or under the 104
person's control. 105

(B) Divisions (A) (3), (4), and (5) of this section do not 106
apply to any of the following: 107

(1) A law enforcement officer who is acting within the 108
scope of the officer's duties; 109

(2) A person who is acting in accordance with directions 110
given by a law enforcement officer described in division (B) (1) 111
of this section. 112

(C) Whoever violates this section is guilty of unlawful 113
transactions in weapons. A violation of division (A) (1) or (2) 114
of this section is a felony of the fourth degree. A violation of 115
division (A) (3), (4), or (5) of this section is a felony of the 116
third degree. A violation of division (A) (6) or (7) of this 117
section is a misdemeanor of the second degree. A violation of 118
division (A) (8) of this section is a misdemeanor of the fourth 119
degree. 120

(D) As used in this section: 121

(1) "Ammunition" has the same meaning as in section 122
2305.401 of the Revised Code. 123

(2) "Federally licensed firearms dealer" has the same 124
meaning as in section 5502.63 of the Revised Code. 125

(3) "Materially false information" means information 126
regarding the transfer of a firearm or ammunition that portrays 127
an illegal transaction as legal or a legal transaction as 128
illegal. 129

(4) "Private seller" means a person who sells, offers for 130
sale, or transfers a firearm or ammunition and who is not a 131

federally licensed firearms dealer.	132
<u>(5) "Antique firearm" has the same meaning as in section</u>	133
<u>2923.13 of the Revised Code.</u>	134
Section 2. That existing sections 2923.13 and 2923.20 of	135
the Revised Code are hereby repealed.	136
Section 3. Section 2923.13 of the Revised Code is	137
presented in this act as a composite of the section as amended	138
by both Am. Sub. H.B. 234 and Am. Sub. S.B. 43 of the 130th	139
General Assembly. The General Assembly, applying the principle	140
stated in division (B) of section 1.52 of the Revised Code that	141
amendments are to be harmonized if reasonably capable of	142
simultaneous operation, finds that the composite is the	143
resulting version of the section in effect prior to the	144
effective date of the section as presented in this act.	145