

As Introduced

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H. B. No. 262

Representatives Miranda, Kelly

**Cosponsors: Representatives Galonski, Lightbody, Lepore-Hagan, Miller, J.,
Miller, A., Russo, Crossman, Brown, Sobecki, Leland, Liston, Robinson, Smith, M.,
Blackshear, Denson, Weinstein, Sheehy**

A BILL

To amend sections 5747.08 and 5747.98 and to enact 1
sections 2923.191 and 5747.72 of the Revised 2
Code to enact the Child Access Prevention Tax 3
Credit Act to prohibit negligent storage of a 4
firearm, to provide criminal penalties if a 5
minor gains access to an improperly stored 6
firearm, and to authorize an income tax credit 7
for the purchase of firearms safety storage 8
units. 9

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

Section 1. That sections 5747.08 and 5747.98 be amended 10
and sections 2923.191 and 5747.72 of the Revised Code be enacted 11
to read as follows: 12

Sec. 2923.191. (A) (1) No person shall store or leave a 13
firearm in a manner or location in the person's residence where 14
the person knows or reasonably should know a minor is able to 15
gain access to the firearm. 16

(2) (a) This section does not apply to a person who stores or leaves a firearm in the person's residence if the firearm has been secured by placing it in a locked container or has been rendered temporarily inoperable by a tamper-resistant mechanical lock or other safety device. 17
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(b) This section does not apply to a person who stores or leaves a firearm in the person's residence if a minor gains access to the firearm as a result of any other person's unlawful entry into the person's residence. 22
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(c) This section does not apply to a person who stores or leaves a firearm in the person's residence if a minor gains access to the firearm and uses the firearm for the purpose of self-defense. 26
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(B) (1) Whoever violates this section is guilty of criminally negligent storage of a firearm if, without the lawful permission of the minor's parent, guardian, or custodian, a minor gains access to the firearm. 30
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(2) Except as provided in division (B) (3) or (4) of this section, a violation of this section is a misdemeanor of the third degree. 34
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(3) If the minor gains access to the firearm as a result of the violation and uses the firearm to cause serious physical harm, a violation of this section is a felony of the fourth degree. 37
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(4) If the minor gains access to the firearm as a result of the violation and uses the firearm to cause death, a violation of this section is a felony of the third degree. 41
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(C) Nothing in this section prohibits a person who is in the person's residence from carrying a firearm on the person's 44
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person or placing a firearm in a location that is under the 46
person's immediate control. 47

Sec. 5747.08. An annual return with respect to the tax 48
imposed by section 5747.02 of the Revised Code and each tax 49
imposed under Chapter 5748. of the Revised Code shall be made by 50
every taxpayer for any taxable year for which the taxpayer is 51
liable for the tax imposed by that section or under that 52
chapter, unless the total credits allowed under division (E) of 53
section 5747.05 and divisions (F) and (G) of section 5747.055 of 54
the Revised Code for the year are equal to or exceed the tax 55
imposed by section 5747.02 of the Revised Code, in which case no 56
return shall be required unless the taxpayer is liable for a tax 57
imposed pursuant to Chapter 5748. of the Revised Code. 58

(A) If an individual is deceased, any return or notice 59
required of that individual under this chapter shall be made and 60
filed by that decedent's executor, administrator, or other 61
person charged with the property of that decedent. 62

(B) If an individual is unable to make a return or notice 63
required by this chapter, the return or notice required of that 64
individual shall be made and filed by the individual's duly 65
authorized agent, guardian, conservator, fiduciary, or other 66
person charged with the care of the person or property of that 67
individual. 68

(C) Returns or notices required of an estate or a trust 69
shall be made and filed by the fiduciary of the estate or trust. 70

(D) (1) (a) Except as otherwise provided in division (D) (1) 71
(b) of this section, any pass-through entity may file a single 72
return on behalf of one or more of the entity's investors other 73
than an investor that is a person subject to the tax imposed 74

under section 5733.06 of the Revised Code. The single return 75
shall set forth the name, address, and social security number or 76
other identifying number of each of those pass-through entity 77
investors and shall indicate the distributive share of each of 78
those pass-through entity investor's income taxable in this 79
state in accordance with sections 5747.20 to 5747.231 of the 80
Revised Code. Such pass-through entity investors for whom the 81
pass-through entity elects to file a single return are not 82
entitled to the exemption or credit provided for by sections 83
5747.02 and 5747.022 of the Revised Code; shall calculate the 84
tax before business credits at the highest rate of tax set forth 85
in section 5747.02 of the Revised Code for the taxable year for 86
which the return is filed; and are entitled to only their 87
distributive share of the business credits as defined in 88
division (D) (2) of this section. A single check drawn by the 89
pass-through entity shall accompany the return in full payment 90
of the tax due, as shown on the single return, for such 91
investors, other than investors who are persons subject to the 92
tax imposed under section 5733.06 of the Revised Code. 93

(b) (i) A pass-through entity shall not include in such a 94
single return any investor that is a trust to the extent that 95
any direct or indirect current, future, or contingent 96
beneficiary of the trust is a person subject to the tax imposed 97
under section 5733.06 of the Revised Code. 98

(ii) A pass-through entity shall not include in such a 99
single return any investor that is itself a pass-through entity 100
to the extent that any direct or indirect investor in the second 101
pass-through entity is a person subject to the tax imposed under 102
section 5733.06 of the Revised Code. 103

(c) Nothing in division (D) of this section precludes the 104

tax commissioner from requiring such investors to file the 105
return and make the payment of taxes and related interest, 106
penalty, and interest penalty required by this section or 107
section 5747.02, 5747.09, or 5747.15 of the Revised Code. 108
Nothing in division (D) of this section precludes such an 109
investor from filing the annual return under this section, 110
utilizing the refundable credit equal to the investor's 111
proportionate share of the tax paid by the pass-through entity 112
on behalf of the investor under division (I) of this section, 113
and making the payment of taxes imposed under section 5747.02 of 114
the Revised Code. Nothing in division (D) of this section shall 115
be construed to provide to such an investor or pass-through 116
entity any additional deduction or credit, other than the credit 117
provided by division (I) of this section, solely on account of 118
the entity's filing a return in accordance with this section. 119
Such a pass-through entity also shall make the filing and 120
payment of estimated taxes on behalf of the pass-through entity 121
investors other than an investor that is a person subject to the 122
tax imposed under section 5733.06 of the Revised Code. 123

(2) For the purposes of this section, "business credits" 124
means the credits listed in section 5747.98 of the Revised Code 125
excluding the following credits: 126

(a) The retirement income credit under division (B) of 127
section 5747.055 of the Revised Code; 128

(b) The senior citizen credit under division (F) of 129
section 5747.055 of the Revised Code; 130

(c) The lump sum distribution credit under division (G) of 131
section 5747.055 of the Revised Code; 132

(d) The dependent care credit under section 5747.054 of 133

the Revised Code;	134
(e) The lump sum retirement income credit under division	135
(C) of section 5747.055 of the Revised Code;	136
(f) The lump sum retirement income credit under division	137
(D) of section 5747.055 of the Revised Code;	138
(g) The lump sum retirement income credit under division	139
(E) of section 5747.055 of the Revised Code;	140
(h) The credit for displaced workers who pay for job	141
training under section 5747.27 of the Revised Code;	142
(i) The twenty-dollar personal exemption credit under	143
section 5747.022 of the Revised Code;	144
(j) The joint filing credit under division (E) of section	145
5747.05 of the Revised Code;	146
(k) The nonresident credit under division (A) of section	147
5747.05 of the Revised Code;	148
(l) The credit for a resident's out-of-state income under	149
division (B) of section 5747.05 of the Revised Code;	150
(m) The earned income tax credit under section 5747.71 of	151
the Revised Code;	152
(n) The lead abatement credit under section 5747.26 of the	153
Revised Code;	154
<u>(o) The credit for firearms safety storage unit purchases</u>	155
<u>under section 5747.72 of the Revised Code.</u>	156
(3) The election provided for under division (D) of this	157
section applies only to the taxable year for which the election	158
is made by the pass-through entity. Unless the tax commissioner	159
provides otherwise, this election, once made, is binding and	160

irrevocable for the taxable year for which the election is made. 161
Nothing in this division shall be construed to provide for any 162
deduction or credit that would not be allowable if a nonresident 163
pass-through entity investor were to file an annual return. 164

(4) If a pass-through entity makes the election provided 165
for under division (D) of this section, the pass-through entity 166
shall be liable for any additional taxes, interest, interest 167
penalty, or penalties imposed by this chapter if the tax 168
commissioner finds that the single return does not reflect the 169
correct tax due by the pass-through entity investors covered by 170
that return. Nothing in this division shall be construed to 171
limit or alter the liability, if any, imposed on pass-through 172
entity investors for unpaid or underpaid taxes, interest, 173
interest penalty, or penalties as a result of the pass-through 174
entity's making the election provided for under division (D) of 175
this section. For the purposes of division (D) of this section, 176
"correct tax due" means the tax that would have been paid by the 177
pass-through entity had the single return been filed in a manner 178
reflecting the commissioner's findings. Nothing in division (D) 179
of this section shall be construed to make or hold a pass- 180
through entity liable for tax attributable to a pass-through 181
entity investor's income from a source other than the pass- 182
through entity electing to file the single return. 183

(E) If a husband and wife file a joint federal income tax 184
return for a taxable year, they shall file a joint return under 185
this section for that taxable year, and their liabilities are 186
joint and several, but, if the federal income tax liability of 187
either spouse is determined on a separate federal income tax 188
return, they shall file separate returns under this section. 189

If either spouse is not required to file a federal income 190

tax return and either or both are required to file a return 191
pursuant to this chapter, they may elect to file separate or 192
joint returns, and, pursuant to that election, their liabilities 193
are separate or joint and several. If a husband and wife file 194
separate returns pursuant to this chapter, each must claim the 195
taxpayer's own exemption, but not both, as authorized under 196
section 5747.02 of the Revised Code on the taxpayer's own 197
return. 198

(F) Each return or notice required to be filed under this 199
section shall contain the signature of the taxpayer or the 200
taxpayer's duly authorized agent and of the person who prepared 201
the return for the taxpayer, and shall include the taxpayer's 202
social security number. Each return shall be verified by a 203
declaration under the penalties of perjury. The tax commissioner 204
shall prescribe the form that the signature and declaration 205
shall take. 206

(G) Each return or notice required to be filed under this 207
section shall be made and filed as required by section 5747.04 208
of the Revised Code, on or before the fifteenth day of April of 209
each year, on forms that the tax commissioner shall prescribe, 210
together with remittance made payable to the treasurer of state 211
in the combined amount of the state and all school district 212
income taxes shown to be due on the form. 213

Upon good cause shown, the commissioner may extend the 214
period for filing any notice or return required to be filed 215
under this section and may adopt rules relating to extensions. 216
If the extension results in an extension of time for the payment 217
of any state or school district income tax liability with 218
respect to which the return is filed, the taxpayer shall pay at 219
the time the tax liability is paid an amount of interest 220

computed at the rate per annum prescribed by section 5703.47 of 221
the Revised Code on that liability from the time that payment is 222
due without extension to the time of actual payment. Except as 223
provided in section 5747.132 of the Revised Code, in addition to 224
all other interest charges and penalties, all taxes imposed 225
under this chapter or Chapter 5748. of the Revised Code and 226
remaining unpaid after they become due, except combined amounts 227
due of one dollar or less, bear interest at the rate per annum 228
prescribed by section 5703.47 of the Revised Code until paid or 229
until the day an assessment is issued under section 5747.13 of 230
the Revised Code, whichever occurs first. 231

If the commissioner considers it necessary in order to 232
ensure the payment of the tax imposed by section 5747.02 of the 233
Revised Code or any tax imposed under Chapter 5748. of the 234
Revised Code, the commissioner may require returns and payments 235
to be made otherwise than as provided in this section. 236

To the extent that any provision in this division 237
conflicts with any provision in section 5747.026 of the Revised 238
Code, the provision in that section prevails. 239

(H) The amounts withheld by an employer pursuant to 240
section 5747.06 of the Revised Code, a casino operator pursuant 241
to section 5747.063 of the Revised Code, or a lottery sales 242
agent pursuant to section 5747.064 of the Revised Code shall be 243
allowed to the recipient of the compensation casino winnings, or 244
lottery prize award as credits against payment of the 245
appropriate taxes imposed on the recipient by section 5747.02 246
and under Chapter 5748. of the Revised Code. 247

(I) If a pass-through entity elects to file a single 248
return under division (D) of this section and if any investor is 249
required to file the annual return and make the payment of taxes 250

required by this chapter on account of the investor's other 251
income that is not included in a single return filed by a pass- 252
through entity or any other investor elects to file the annual 253
return, the investor is entitled to a refundable credit equal to 254
the investor's proportionate share of the tax paid by the pass- 255
through entity on behalf of the investor. The investor shall 256
claim the credit for the investor's taxable year in which or 257
with which ends the taxable year of the pass-through entity. 258
Nothing in this chapter shall be construed to allow any credit 259
provided in this chapter to be claimed more than once. For the 260
purpose of computing any interest, penalty, or interest penalty, 261
the investor shall be deemed to have paid the refundable credit 262
provided by this division on the day that the pass-through 263
entity paid the estimated tax or the tax giving rise to the 264
credit. 265

(J) The tax commissioner shall ensure that each return 266
required to be filed under this section includes a box that the 267
taxpayer may check to authorize a paid tax preparer who prepared 268
the return to communicate with the department of taxation about 269
matters pertaining to the return. The return or instructions 270
accompanying the return shall indicate that by checking the box 271
the taxpayer authorizes the department of taxation to contact 272
the preparer concerning questions that arise during the 273
processing of the return and authorizes the preparer only to 274
provide the department with information that is missing from the 275
return, to contact the department for information about the 276
processing of the return or the status of the taxpayer's refund 277
or payments, and to respond to notices about mathematical 278
errors, offsets, or return preparation that the taxpayer has 279
received from the department and has shown to the preparer. 280

(K) The tax commissioner shall permit individual taxpayers 281

to instruct the department of taxation to cause any refund of 282
overpaid taxes to be deposited directly into a checking account, 283
savings account, or an individual retirement account or 284
individual retirement annuity, or preexisting college savings 285
plan or program account offered by the Ohio tuition trust 286
authority under Chapter 3334. of the Revised Code, as designated 287
by the taxpayer, when the taxpayer files the annual return 288
required by this section electronically. 289

(L) A taxpayer claiming the deduction under division (A) 290
(31) of section 5747.01 of the Revised Code for a taxable year 291
shall indicate on the taxpayer's return the north American 292
industry classification system code of each business or 293
professional activity from which the taxpayer's business income 294
was derived. The tax commissioner shall provide space on the 295
return for this purpose and shall prescribe, by rule adopted in 296
accordance with Chapter 119. of the Revised Code, the manner by 297
which such a taxpayer shall determine the taxpayer's proper 298
classification codes and business or professional activities 299
from which the taxpayer derives business income. 300

(M) The tax commissioner may adopt rules to administer 301
this section. 302

Sec. 5747.72. (A) As used in this section, "firearms 303
safety storage unit" means a safe, case, lock box, or other 304
device that is designed to be or can be used to store a firearm 305
and that is designed to be unlocked only by means of a key, 306
combination, biometric identifier, or other similar means. 307

(B) There is hereby allowed a nonrefundable credit against 308
a taxpayer's aggregate tax liability under section 5747.02 of 309
the Revised Code for amounts spent by the taxpayer during the 310
taxable year to purchase firearms safety storage units. The 311

amount of the credit shall equal twenty per cent of the purchase 312
price of each firearms safety storage unit, but the amount of 313
the credit claimed by a taxpayer under this section for any 314
taxable year shall not exceed four hundred dollars. The taxpayer 315
shall claim the credit in the order required under section 316
5747.98 of the Revised Code. 317

The tax commissioner may request that a taxpayer furnish a 318
sales receipt or any other information necessary to support a 319
claim for credit under this section, and no credit shall be 320
allowed unless the requested information is provided. 321

Sec. 5747.98. (A) To provide a uniform procedure for 322
calculating a taxpayer's aggregate tax liability under section 323
5747.02 of the Revised Code, a taxpayer shall claim any credits 324
to which the taxpayer is entitled in the following order: 325

Either the retirement income credit under division (B) of 326
section 5747.055 of the Revised Code or the lump sum retirement 327
income credits under divisions (C), (D), and (E) of that 328
section; 329

Either the senior citizen credit under division (F) of 330
section 5747.055 of the Revised Code or the lump sum 331
distribution credit under division (G) of that section; 332

The dependent care credit under section 5747.054 of the 333
Revised Code; 334

The credit for displaced workers who pay for job training 335
under section 5747.27 of the Revised Code; 336

The campaign contribution credit under section 5747.29 of 337
the Revised Code; 338

The twenty-dollar personal exemption credit under section 339

5747.022 of the Revised Code;	340
The joint filing credit under division (G) of section	341
5747.05 of the Revised Code;	342
The earned income credit under section 5747.71 of the	343
Revised Code;	344
<u>The credit for firearms safety storage unit purchases</u>	345
<u>under section 5747.72 of the Revised Code;</u>	346
The credit for adoption of a minor child under section	347
5747.37 of the Revised Code;	348
The nonrefundable job retention credit under division (B)	349
of section 5747.058 of the Revised Code;	350
The enterprise zone credit under section 5709.66 of the	351
Revised Code;	352
The credit for purchases of qualifying grape production	353
property under section 5747.28 of the Revised Code;	354
The small business investment credit under section 5747.81	355
of the Revised Code;	356
The nonrefundable lead abatement credit under section	357
5747.26 of the Revised Code;	358
The opportunity zone investment credit under section	359
122.84 of the Revised Code;	360
The enterprise zone credits under section 5709.65 of the	361
Revised Code;	362
The research and development credit under section 5747.331	363
of the Revised Code;	364
The credit for rehabilitating a historic building under	365

section 5747.76 of the Revised Code;	366
The nonresident credit under division (A) of section 5747.05 of the Revised Code;	367 368
The credit for a resident's out-of-state income under division (B) of section 5747.05 of the Revised Code;	369 370
The refundable motion picture and Broadway theatrical production credit under section 5747.66 of the Revised Code;	371 372
The refundable jobs creation credit or job retention credit under division (A) of section 5747.058 of the Revised Code;	373 374 375
The refundable credit for taxes paid by a qualifying entity granted under section 5747.059 of the Revised Code;	376 377
The refundable credits for taxes paid by a qualifying pass-through entity granted under division (I) of section 5747.08 of the Revised Code;	378 379 380
The refundable credit under section 5747.80 of the Revised Code for losses on loans made to the Ohio venture capital program under sections 150.01 to 150.10 of the Revised Code;	381 382 383
The refundable credit for rehabilitating a historic building under section 5747.76 of the Revised Code.	384 385
(B) For any credit, except the refundable credits enumerated in this section and the credit granted under division (H) of section 5747.08 of the Revised Code, the amount of the credit for a taxable year shall not exceed the taxpayer's aggregate amount of tax due under section 5747.02 of the Revised Code, after allowing for any other credit that precedes it in the order required under this section. Any excess amount of a particular credit may be carried forward if authorized under the	386 387 388 389 390 391 392 393

section creating that credit. Nothing in this chapter shall be 394
construed to allow a taxpayer to claim, directly or indirectly, 395
a credit more than once for a taxable year. 396

Section 2. That existing sections 5747.08 and 5747.98 of 397
the Revised Code are hereby repealed. 398

Section 3. The amendment or enactment by this act of 399
sections 5747.08, 5747.72, and 5747.98 of the Revised Code 400
applies to taxable years beginning on or after January 1, 2022. 401

Section 4. Pursuant to division (G) of section 5703.95 of 402
the Revised Code, which states that any bill introduced in the 403
House of Representatives or the Senate that proposes to enact or 404
modify one or more tax expenditures should include a statement 405
explaining the objectives of the tax expenditure or its 406
modification and the sponsor's intent in proposing the tax 407
expenditure or its modification: 408

The objective of this act is to help ensure the safety of 409
all Ohioans by increasing the usage of firearms safety storage 410
units. Law abiding citizens should want to use every safety 411
measure available in being a responsible gun owner. 412

Section 5. This act shall be known as the Child Access 413
Prevention Tax Credit Act. 414