

As Introduced

**134th General Assembly
Regular Session
2021-2022**

H. B. No. 383

Representative Koehler

A BILL

To amend section 2923.13 of the Revised Code to 1
modify the penalties for the offense of "having 2
weapons while under disability." 3

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

Section 1. That section 2923.13 of the Revised Code be 4
amended to read as follows: 5

Sec. 2923.13. (A) Unless relieved from disability under 6
operation of law or legal process, no person shall knowingly 7
acquire, have, carry, or use any firearm or dangerous ordnance, 8
if any of the following apply: 9

(1) The person is a fugitive from justice. 10

(2) The person is under indictment for or has been 11
convicted of any felony offense of violence or has been 12
adjudicated a delinquent child for the commission of an offense 13
that, if committed by an adult, would have been a felony offense 14
of violence. 15

(3) The person is under indictment for or has been 16
convicted of any felony offense involving the illegal 17
possession, use, sale, administration, distribution, or 18

trafficking in any drug of abuse or has been adjudicated a delinquent child for the commission of an offense that, if committed by an adult, would have been a felony offense involving the illegal possession, use, sale, administration, distribution, or trafficking in any drug of abuse.

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

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

(B) Whoever violates this section is guilty of having weapons while under disability. The penalty for the offense shall be determined as follows:

(1) If the disability upon which the violation is based is a prior conviction or delinquent child adjudication specified in division (A)(2) of this section, except as otherwise provided in this division, having weapons while under disability is a felony of the second degree. If the disability upon which the violation is based is such a prior conviction or adjudication and the offender one or more times previously has been convicted of, or been adjudicated a delinquent child for committing, a violation of this section, having weapons while under disability is a felony of the first degree.

(2) If division (B)(1) of this section does not apply,

except as otherwise provided in this division, having firearms 48
while under disability is a felony of the third degree. If 49
division (B)(1) of this section does not apply and the offender 50
one or more times previously has been convicted of, or been 51
adjudicated a delinquent child for committing, a violation of 52
this section, having weapons while under disability is a felony 53
of the second degree. 54

(C) For the purposes of this section, "under operation of 55
law or legal process" shall not itself include mere completion, 56
termination, or expiration of a sentence imposed as a result of 57
a criminal conviction. 58

Section 2. That existing section 2923.13 of the Revised 59
Code is hereby repealed. 60

Section 3. Section 2923.13 of the Revised Code is 61
presented in this act as a composite of the section as amended 62
by both H.B. 234 and S.B. 43 of the 130th General Assembly. The 63
General Assembly, applying the principle stated in division (B) 64
of section 1.52 of the Revised Code that amendments are to be 65
harmonized if reasonably capable of simultaneous operation, 66
finds that the composite is the resulting version of the section 67
in effect prior to the effective date of the section as 68
presented in this act. 69