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H.B. 309
135th General Assembly

Bill Analysis

Version: As Introduced

Primary Sponsors: Reps. C. Thomas and Baker

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SUMMARY

- Prohibits a federally licensed firearms dealer from transferring a firearm unless both of the following occur:
 - Ten or more days have elapsed since the federally licensed firearms dealer contacted the National Instant Criminal Background Check System (NICS).
 - NICS has provided the federally licensed firearms dealer with a unique identification number indicating the transfer of the firearm would not violate the law.

DETAILED ANALYSIS

Prohibition on firearm transfer for ten days

Notwithstanding federal law, the bill prohibits a “federally licensed firearms dealer” from transferring a firearm to any person unless both of the following have occurred:¹

- Ten days or more have elapsed since the federally licensed firearms dealer contacted the National Instant Criminal Background Check System (NICS).
- NICS has provided the federally licensed firearms dealer with a unique identification number indicating that transfer of the firearm would not violate federal, state, local, or tribal law.

Under federal law, a federally licensed firearms dealer is prohibited from transferring a firearm to a person unless all of the following have occurred:²

¹ R.C. 2923.26(B) and 18 United States Code (U.S.C.) 922(t).

² 18 U.S.C. 922(t).

- The federally licensed firearms dealer contacted NICS.
- One of the following applies:
 - NICS has provided the federally licensed firearms dealer with a unique identification number indicating that transfer or receipt of the firearm would not violate federal, state, local, or tribal law.
 - Three business days have elapsed since the federally licensed firearms dealer has contacted NICS, and NICS has not notified the federally licensed firearms dealer that receipt of the firearm by the person would violate federal, state, local, or tribal law.
- The federally licensed firearms dealer verified the identity of the person by examining a valid identification document of the person containing a photograph of the person.

The bill provides that notwithstanding any federal or state law to the contrary, a person who has a license or permit to carry firearms is subject to the provisions of the bill.³

Definition of federally licensed firearms dealer

The bill uses the existing definition of “federally licensed firearms dealer,” meaning an importer, manufacturer, or dealer having a license to deal in destructive devices or their ammunition under the Gun Control Act of 1968.⁴

Cross references

The bill makes necessary cross-reference changes.⁵

HISTORY

Action	Date
Introduced	10-30-23

ANHB0309IN-135/sb

³ R.C. 2923.26(C).

⁴ R.C. 2923.26(A), by reference to R.C. 5502.63(A), not in the bill.

⁵ R.C. 2923.11.