



www.lsc.ohio.gov

OHIO LEGISLATIVE SERVICE COMMISSION

Office of Research
and Drafting

Legislative Budget
Office

S.B. 148
135th General Assembly

Bill Analysis

Version: As Introduced

Primary Sponsor: Sen. Johnson

Austin C. Strohacker, Attorney

SUMMARY

- Prohibits government entities from keeping any list of privately owned firearms or owners of firearms.
- Prohibits financial institutions from distinguishing between transactions involving a firearm retailer and those involving a general merchandise or sporting goods retailer, declining a payment card transaction merely because the transaction involves a firearms retailer, or disclosing records of transactions involving firearms or ammunition.
- Empowers the Attorney General to investigate alleged violations of the above prohibitions and to bring a civil action against the perpetrator.
- Names the bill the Second Amendment Financial Privacy Act.

DETAILED ANALYSIS

The bill enacts the Second Amendment Financial Privacy Act (SAFPA), which includes several requirements related to the confidentiality or anonymity of purchases involving firearms and ammunition. The SAFPA also prohibits certain actions by financial institutions that might differentiate or disfavor firearms merchants or transactions involving firearms and ammunition.

Government registry of privately owned firearms

The bill prohibits government entities from keeping a registry of privately owned firearms. Specifically, it prohibits (1) the state, a political subdivision of the state, or any court, agency, or instrumentality of the foregoing, (2) an employee of the foregoing, or (3) a government official, from keeping a list, record, or registry of privately owned firearms or the owners of said firearms.

The bill allows an exception for firearm records required by law, or those kept during the regular course of a criminal investigation or prosecution.¹

Financial institutions and firearm retailers

The bill also introduces new requirements for financial institutions concerning payment card transactions with firearm retailers. First, it prohibits financial institutions from using a firearms code to distinguish firearm retailers with physical stores in Ohio from general merchandise or sporting goods retailers. A firearms code is an indicator that a financial institution, such as a bank or credit card company, assigns to a merchant or transaction to identify if the merchant is a firearm retailer or if the transaction involves the purchase of a firearm or ammunition.²

Second, financial institutions may not decline a lawful transaction involving a firearm retailer solely because the transaction is assigned a firearms code. However, financial institutions may still decline or refuse to process a firearms-related payment for any of the following reasons: if necessary to comply with state or federal law, if requested by the customer, if necessary due to fraud controls, or for the purpose of merchant category exclusions offered by a financial institution for the purpose of expenditure control or corporate card control. Financial institutions may also continue to take action related to dispute processing, fraud management, and protecting transaction integrity.

Finally, financial records regarding firearms-related transactions may not be disclosed by a financial institution, unless required by law.³

Enforcement

The bill empowers the Attorney General to investigate alleged violations of SAFPA. Firearm retailers and customers of firearm retailers may petition the Attorney General to investigate alleged violations. If the Attorney General determines that SAFPA was violated, written notice must be provided to the violator, who then has 30 days to cease the violation. If the violation does not cease within 30 days, the Attorney General must file an action against the violator in the common pleas court of the violator's county. If the court finds that the person violated SAFPA and has not ceased the violation, it must enjoin the person from continuing that activity.⁴

If the violator fails to comply within 30 days of receiving the injunction, the Attorney General is required to petition the court to impose a fine of not more than \$10,000 per violation, plus investigation costs and attorney's fees. The court must consider various factors

¹ R.C. 1349.84(J) and 1349.85(A).

² R.C. 1349.84(I) and 1349.85(B).

³ R.C. 1349.85(B) and (C).

⁴ R.C. 1349.86(A), (B), and (C).

in assessing the fine, including the financial resources of the violator, and the harm or risk of harm to Second Amendment rights resulting from the violation.

The injunction and civil fine described above are the exclusive remedies for SAFPA violations.⁵

HISTORY

Action	Date
Introduced	09-05-23

ANSB0148IN-135/ks

⁵ R.C. 1349.86(C) and (D).