

As Introduced

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H. B. No. 614

Representatives Willis, Rader

**Cosponsors: Representatives Jarrells, Synenberg, Grim, Baker, Upchurch,
Brennan, Brewer, Bryant Bailey, Piccolantonio**

To amend section 2923.11 and to enact sections 1
2923.26 and 3701.982 of the Revised Code to 2
enact the Second Chance Safety Act to provide 3
civil immunity to a federally licensed firearm 4
dealer or law enforcement agency that enters 5
into a firearm hold agreement with the owner of 6
a firearm. 7

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

Section 1. That section 2923.11 be amended and sections 8
2923.26 and 3701.982 of the Revised Code be enacted to read as 9
follows: 10

Sec. 2923.11. As used in sections 2923.11 to 2923.24 and 11
2923.26 of the Revised Code: 12

(A) "Deadly weapon" means any instrument, device, or thing 13
capable of inflicting death, and designed or specially adapted 14
for use as a weapon, or possessed, carried, or used as a weapon. 15

(B) (1) "Firearm" means any deadly weapon capable of 16
expelling or propelling one or more projectiles by the action of 17
an explosive or combustible propellant. "Firearm" includes an 18

unloaded firearm, and any firearm that is inoperable but that
can readily be rendered operable.

(2) When determining whether a firearm is capable of
expelling or propelling one or more projectiles by the action of
an explosive or combustible propellant, the trier of fact may
rely upon circumstantial evidence, including, but not limited
to, the representations and actions of the individual exercising
control over the firearm.

(C) "Handgun" means any of the following:

(1) Any firearm that has a short stock and is designed to
be held and fired by the use of a single hand;

(2) Any combination of parts from which a firearm of a
type described in division (C) (1) of this section can be
assembled.

(D) "Semi-automatic firearm" means any firearm designed or
specially adapted to fire a single cartridge and automatically
chamber a succeeding cartridge ready to fire, with a single
function of the trigger.

(E) "Automatic firearm" means any firearm designed or
specially adapted to fire a succession of cartridges with a
single function of the trigger.

(F) "Sawed-off firearm" means a shotgun with a barrel less
than eighteen inches long, or a rifle with a barrel less than
sixteen inches long, or a shotgun or rifle less than twenty-six
inches long overall. "Sawed-off firearm" does not include any
firearm with an overall length of at least twenty-six inches
that is approved for sale by the federal bureau of alcohol,
tobacco, firearms, and explosives under the "Gun Control Act of
1968," 82 Stat. 1213, 18 U.S.C. 921(a)(3), but that is found by

the bureau not to be regulated under the "National Firearms Act," 68A Stat. 725 (1934), 26 U.S.C. 5845(a). 48 49

(G) "Zip-gun" means any of the following: 50

(1) Any firearm of crude and extemporized manufacture; 51

(2) Any device, including without limitation a starter's pistol, that is not designed as a firearm, but that is specially adapted for use as a firearm; 52 53 54

(3) Any industrial tool, signalling device, or safety device, that is not designed as a firearm, but that as designed is capable of use as such, when possessed, carried, or used as a firearm. 55 56 57 58

(H) "Explosive device" means any device designed or specially adapted to cause physical harm to persons or property by means of an explosion, and consisting of an explosive substance or agency and a means to detonate it. "Explosive device" includes without limitation any bomb, any explosive demolition device, any blasting cap or detonator containing an explosive charge, and any pressure vessel that has been knowingly tampered with or arranged so as to explode. 59 60 61 62 63 64 65 66

(I) "Incendiary device" means any firebomb, and any device designed or specially adapted to cause physical harm to persons or property by means of fire, and consisting of an incendiary substance or agency and a means to ignite it. 67 68 69 70

(J) "Ballistic knife" means a knife with a detachable blade that is propelled by a spring-operated mechanism. 71 72

(K) "Dangerous ordnance" means any of the following, except as provided in division (L) of this section: 73 74

(1) Any automatic or sawed-off firearm, zip-gun, or 75

ballistic knife;	76
(2) Any explosive device or incendiary device;	77
(3) Nitroglycerin, nitrocellulose, nitrostarch, PETN,	78
cyclonite, TNT, picric acid, and other high explosives; amatol,	79
tritonite, tetrytol, pentolite, peccretol, cyclotol, and other	80
high explosive compositions; plastic explosives; dynamite,	81
blasting gelatin, gelatin dynamite, sensitized ammonium nitrate,	82
liquid-oxygen blasting explosives, blasting powder, and other	83
blasting agents; and any other explosive substance having	84
sufficient brisance or power to be particularly suitable for use	85
as a military explosive, or for use in mining, quarrying,	86
excavating, or demolitions;	87
(4) Any firearm, rocket launcher, mortar, artillery piece,	88
grenade, mine, bomb, torpedo, or similar weapon, designed and	89
manufactured for military purposes, and the ammunition for that	90
weapon;	91
(5) Any firearm muffler or suppressor;	92
(6) Any combination of parts that is intended by the owner	93
for use in converting any firearm or other device into a	94
dangerous ordnance.	95
(L) "Dangerous ordnance" does not include any of the	96
following:	97
(1) Any firearm, including a military weapon and the	98
ammunition for that weapon, and regardless of its actual age,	99
that employs a percussion cap or other obsolete ignition system,	100
or that is designed and safe for use only with black powder;	101
(2) Any pistol, rifle, or shotgun, designed or suitable	102
for sporting purposes, including a military weapon as issued or	103

as modified, and the ammunition for that weapon, unless the 104
firearm is an automatic or sawed-off firearm; 105

(3) Any cannon or other artillery piece that, regardless 106
of its actual age, is of a type in accepted use prior to 1887, 107
has no mechanical, hydraulic, pneumatic, or other system for 108
absorbing recoil and returning the tube into battery without 109
displacing the carriage, and is designed and safe for use only 110
with black powder; 111

(4) Black powder, priming quills, and percussion caps 112
possessed and lawfully used to fire a cannon of a type defined 113
in division (L) (3) of this section during displays, 114
celebrations, organized matches or shoots, and target practice, 115
and smokeless and black powder, primers, and percussion caps 116
possessed and lawfully used as a propellant or ignition device 117
in small-arms or small-arms ammunition; 118

(5) Dangerous ordnance that is inoperable or inert and 119
cannot readily be rendered operable or activated, and that is 120
kept as a trophy, souvenir, curio, or museum piece; 121

(6) Any device that is expressly excepted from the 122
definition of a destructive device pursuant to the "Gun Control 123
Act of 1968," 82 Stat. 1213, 18 U.S.C. 921(a) (4), as amended, 124
and regulations issued under that act; 125

(7) Any firearm with an overall length of at least twenty- 126
six inches that is approved for sale by the federal bureau of 127
alcohol, tobacco, firearms, and explosives under the "Gun 128
Control Act of 1968," 82 Stat. 1213, 18 U.S.C. 921(a) (3), but 129
that is found by the bureau not to be regulated under the 130
"National Firearms Act," 68A Stat. 725 (1934), 26 U.S.C. 131
5845(a). 132

(M) "Explosive" means any chemical compound, mixture, or device, the primary or common purpose of which is to function by explosion. "Explosive" includes all materials that have been classified as division 1.1, division 1.2, division 1.3, or division 1.4 explosives by the United States department of transportation in its regulations and includes, but is not limited to, dynamite, black powder, pellet powders, initiating explosives, blasting caps, electric blasting caps, safety fuses, fuse igniters, squibs, cordeau detonant fuses, instantaneous fuses, and igniter cords and igniters. "Explosive" does not include "fireworks," as defined in section 3743.01 of the Revised Code, or any substance or material otherwise meeting the definition of explosive set forth in this section that is manufactured, sold, possessed, transported, stored, or used in any activity described in section 3743.80 of the Revised Code, provided the activity is conducted in accordance with all applicable laws, rules, and regulations, including, but not limited to, the provisions of section 3743.80 of the Revised Code and the rules of the fire marshal adopted pursuant to section 3737.82 of the Revised Code.

(N) (1) "Concealed handgun license" or "license to carry a concealed handgun" means, subject to division (N) (2) of this section, a license or temporary emergency license to carry a concealed handgun issued under section 2923.125 or 2923.1213 of the Revised Code or a license to carry a concealed handgun issued by another state with which the attorney general has entered into a reciprocity agreement under section 109.69 of the Revised Code.

(2) A reference in any provision of the Revised Code to a concealed handgun license issued under section 2923.125 of the Revised Code or a license to carry a concealed handgun issued

under section 2923.125 of the Revised Code means only a license 164
of the type that is specified in that section. A reference in 165
any provision of the Revised Code to a concealed handgun license 166
issued under section 2923.1213 of the Revised Code, a license to 167
carry a concealed handgun issued under section 2923.1213 of the 168
Revised Code, or a license to carry a concealed handgun on a 169
temporary emergency basis means only a license of the type that 170
is specified in section 2923.1213 of the Revised Code. A 171
reference in any provision of the Revised Code to a concealed 172
handgun license issued by another state or a license to carry a 173
concealed handgun issued by another state means only a license 174
issued by another state with which the attorney general has 175
entered into a reciprocity agreement under section 109.69 of the 176
Revised Code. 177

(O) "Valid concealed handgun license" or "valid license to 178
carry a concealed handgun" means a concealed handgun license 179
that is currently valid, that is not under a suspension under 180
division (A) (1) of section 2923.128 of the Revised Code, under 181
section 2923.1213 of the Revised Code, or under a suspension 182
provision of the state other than this state in which the 183
license was issued, and that has not been revoked under division 184
(B) (1) of section 2923.128 of the Revised Code, under section 185
2923.1213 of the Revised Code, or under a revocation provision 186
of the state other than this state in which the license was 187
issued. 188

(P) "Misdemeanor punishable by imprisonment for a term 189
exceeding one year" does not include any of the following: 190

(1) Any federal or state offense pertaining to antitrust 191
violations, unfair trade practices, restraints of trade, or 192
other similar offenses relating to the regulation of business 193

practices; 194

(2) Any misdemeanor offense punishable by a term of 195
imprisonment of two years or less. 196

(Q) "Alien registration number" means the number issued by 197
the United States citizenship and immigration services agency 198
that is located on the alien's permanent resident card and may 199
also be commonly referred to as the "USCIS number" or the "alien 200
number." 201

(R) "Active duty" has the same meaning as defined in 10 202
U.S.C. 101. 203

Sec. 2923.26. (A) As used in this section: 204

(1) "Federally licensed firearms dealer" has the same 205
meaning as in section 5502.63 of the Revised Code. 206

(2) "Firearm hold agreement" means an agreement between 207
the owner of a lawfully possessed firearm and a federally 208
licensed firearms dealer or county or municipal law enforcement 209
agency that includes all of the following: 210

(a) That the federally licensed firearms dealer or county 211
or municipal law enforcement agency will take physical 212
possession of the owner's lawfully possessed firearm; 213

(b) That the federally licensed firearms dealer or county 214
or municipal law enforcement agency will hold the owner's 215
lawfully possessed firearm for an agreed period of time; 216

(c) That the federally licensed firearms dealer or county 217
or municipal law enforcement agency will return the firearm to 218
the owner at the expiration of the agreed period of time. 219

(B) If a federally licensed firearms dealer or county or 220

municipal law enforcement agency enters into a firearm hold 221
agreement with the owner of a lawfully possessed firearm, the 222
federally licensed firearms dealer or county or municipal law 223
enforcement agency who enters into the firearm hold agreement 224
with the owner shall provide the owner with the pamphlet 225
described in section 3701.982 of the Revised Code at the time 226
that the federally licensed firearms dealer or county or 227
municipal law enforcement agency enters into the firearm hold 228
agreement with the owner of the lawfully possessed firearm. 229

(C) (1) Subject to division (C) (2) of this section, no 230
federally licensed firearms dealer or county or municipal law 231
enforcement agency who enters into a firearm hold agreement with 232
an owner of a lawfully possessed firearm is liable in damages in 233
a civil action for the injury, death, or loss to person or 234
property that arose from an act or omission associated with the 235
federally licensed firearms dealer or county or municipal law 236
enforcement agency returning the firearm to the owner under the 237
firearm hold agreement, unless the act or omission constitutes 238
unlawful conduct. 239

(2) Division (C) (1) of this section does not eliminate, 240
limit, or reduce any other immunity or defense that a county or 241
municipal law enforcement agency may be entitled to under 242
Chapter 2744. or any other provision of the Revised Code or 243
under the common law of this state. 244

(D) (1) If a federally licensed firearms dealer or county 245
or municipal law enforcement agency enters into a firearm hold 246
agreement with the owner of a lawfully possessed firearm and if 247
after the expiration of the agreed period of time the owner of 248
the firearm does not claim the firearm, the federally licensed 249
firearms dealer or county or municipal law enforcement agency 250

shall contact the owner of the firearm at least two times within 251
the following sixty days requesting that the owner claim the 252
firearm. 253

(2) If a federally licensed firearms dealer has physical 254
possession of the firearm and the firearm remains unclaimed 255
after the federally licensed firearm dealer complies with 256
division (D) (1) of this section, then the federally licensed 257
firearms dealer shall surrender the firearm to a county or 258
municipal law enforcement agency. 259

(3) If a county or municipal law enforcement agency has 260
physical possession of the firearm and the firearm remains 261
unclaimed after the county or municipal law enforcement agency 262
complies with division (D) (1) of this section or the firearm has 263
been surrendered to the county or municipal law enforcement 264
agency as described in division (D) (2) of this section, then the 265
county or municipal law enforcement agency shall dispose of the 266
firearm in accordance with the county or municipal law 267
enforcement agency's policies and procedures for the disposal of 268
a firearm in police custody. 269

Sec. 3701.982. (A) As used in this section, "firearm 270
safety device" means equipment that is designed to prevent 271
unauthorized access to, or the operation or discharge of, a 272
firearm and that is either of the following: 273

(1) A device that, when installed on a firearm, is 274
designed to prevent the firearm from being operated without 275
first deactivating the device. 276

(2) A gun safe, gun case, lockbox, or other device that is 277
designed to prevent access to a firearm unless an individual 278
uses a key, a combination, biometric data, or other similar 279

means. 280

(B) The department of health, in consultation with the 281
department of veterans services, shall prepare a pamphlet with 282
all of the following information: 283

(1) Mental health resources, including how to access the 284
following: 285

(a) The 9-8-8 suicide prevention and mental health crisis 286
hotline and the global crisis text line; 287

(b) The United States department of veterans affairs' 288
veterans crisis line; 289

(c) The United States department of veterans affairs' 290
suicide prevention toolkit. 291

(2) A list of local veterans organizations, including 292
veterans clinics; 293

(3) Guidance on secure firearm safety devices, including 294
any discounted or complimentary firearm safety device programs 295
available for veterans. 296

(C) The department of health and the department of 297
veterans services shall each publish the pamphlet described in 298
division (B) of this section on each department's web site. 299

Section 2. That existing section 2923.11 of the Revised 300
Code is hereby repealed. 301

Section 3. This act shall be known as the Second Chance 302
Safety Act. 303