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H.B. 899
136th General Assembly

Bill Analysis

Version: As Introduced

Primary Sponsor: Rep. Brewer

Shalanda R. Plowden, Attorney

SUMMARY

Public Records Law changes

- Exempts information regarding the presence of firearms in a foster home obtained by the Department of Children and Youth (DCY) or a public children services agency (PCSA) from the Public Records Law.

Firearm possession and storage in foster homes

- Prohibits DCY and a PCSA from adopting rules or policies that prohibit a foster caregiver from lawfully possessing a firearm in a foster home.
- Requires a foster caregiver who possesses a firearm in a foster home to store the firearm in a locked container, safe, or cabinet, or secure the firearm with a trigger locking device.
- Allows ammunition for a firearm to be stored with the firearm in the same locked container, safe, or cabinet if the firearm is equipped with a trigger locking device.

Confidentiality of firearm information

- Prohibits DCY or a PCSA employee or agent from requiring a foster caregiver or prospective caregiver to disclose a firearm's specific information.
- Limits the use of information regarding the presence of firearms in a foster home to verifying compliance with firearm storage requirements.
- Provides that information regarding the presence of firearms in a foster home obtained by DCY or a PCSA is not a public record under Public Records Law.

Civil liability

- Allows DCY and a PCSA to be held liable for damages to a foster caregiver for violating firearm possession and confidentiality rules they are required to follow, with a penalty of up to $5,000 per violation plus other fees and costs.
- Specifies that a foster caregiver does not have a duty to possess a firearm and is still subject to laws that prohibit firearm possession.

DETAILED ANALYSIS

Public Records Law changes

The bill adds an exception to the Public Records Law. Under the bill, any information obtained by the Department of Children and Youth (DCY) or a public children services agency (PCSA) regarding the presence of firearms in a foster home is not a public record.[1]

Firearm possession and storage in foster homes

The bill prohibits DCY and any PCSA from adopting or enforcing any rule, policy, or practice that prohibits a foster caregiver from possessing a firearm in the foster home, provided that the foster caregiver is not otherwise prohibited by law from possessing a firearm.[2] Under the bill, a foster caregiver who possesses a firearm in the foster home is required to store the firearm in a locked container, locked safe, or locked cabinet. The caregiver may alternatively secure the firearm with a trigger locking device. The bill allows ammunition to be stored in the same locked container, locked safe, or locked cabinet as the firearm if the firearm is equipped with a trigger locking device.[3]

The bill defines "firearm" as any deadly weapon capable of expelling or propelling one or more projectiles by the action of an explosive or combustible propellant. "Firearm" includes an unloaded firearm, and any firearm that is inoperable but that can be readily rendered operable. 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.[4] "Trigger locking device" means a device that, when attached to a firearm, prevents the firearm from being discharged.[5]

[1] R.C. 149.43(A)(1)(ccc).

[2] R.C. 5103.164(B).

[3] R.C. 5103.164(C).

[4] R.C. 5103.164(A)(1), by reference to R.C. 2923.11, not in the bill.

[5] R.C. 5103.164(A)(2).

Confidentiality of firearm information

The bill prohibits an employee or agent of DCY or a PCSA from requiring a foster caregiver or prospective foster caregiver to disclose the specific make, model, or serial number of any firearm in the foster home.[6] Information about the presence of firearms in a foster home obtained by DCY or a PCSA can only be used to verify compliance with the bill's firearm storage requirements and cannot be disclosed except as necessary to ensure compliance or as otherwise required by law.[7] Any information obtained by DCY or a PCSA regarding the presence of firearms in a foster home is not a public record under the Public Records Law.[8]

Civil liability

The bill provides that DCY or a PCSA may be held liable for damages to a foster caregiver for violating the bill's prohibitions against restricting firearm possession in foster homes or its firearm information confidentiality requirements. A court may impose a civil penalty of up to $5,000 per violation, in addition to reasonable attorney's fees and costs.[9] The bill specifies that nothing in its provisions is to be construed as creating a duty for a foster caregiver to possess a firearm or as superseding any other provision of law that prohibits a person from possessing a firearm.[10]

HISTORY

Action	Date
Introduced	05-12-26

ANHB0899IN-136/ks

[6] R.C. 5103.164(D)(1).

[7] R.C. 5103.164(D)(2).

[8] R.C. 5103.164(D)(3).

[9] R.C. 5103.164(E).

[10] R.C. 5103.164(F).