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# OHIO LEGISLATIVE SERVICE COMMISSION

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S.B. 214  
136<sup>th</sup> General Assembly

## Bill Analysis

**Version:** As Introduced

**Primary Sponsor:** Sen. Koehler

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### SUMMARY

- Allows a person to acquire, have, carry, or use a firearm muffler or suppressor.
- Removes firearm mufflers or suppressors from the classification of dangerous ordnance.
- Provides that under Ohio law, an owner of a firearm muffler or suppressor is no longer required to register the firearm muffler or suppressor in the National Firearms Registration and Transfer Record.

### DETAILED ANALYSIS

#### **Muffler and suppressor – unlawful possession of dangerous ordnance**

##### **Offense**

The continuing law offense of “unlawful possession of dangerous ordnance” prohibits a person from knowingly acquiring, having, carrying, or using any dangerous ordnance, and a violation of the offense is a fifth degree felony.<sup>1</sup>

Under current law, a firearm muffler or suppressor is classified as a “dangerous ordnance.” As such, under the offense a person is prohibited from acquiring, having, carrying, or using a firearm muffler or suppressor unless an exemption applies.<sup>2</sup>

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<sup>1</sup> R.C. 2923.17(A) and (D).

<sup>2</sup> R.C. 2923.11(K)(5) and 2923.17(A) and (C).

The bill removes firearm mufflers or suppressors from the classification of “dangerous ordnance.” As such, under the bill, a person is no longer prohibited from acquiring, having, carrying, or using a firearm muffler or suppressor, regardless of whether an exemption applies.<sup>3</sup>

## Exemptions

Under federal law, the “National Firearms Act” requires each manufacturer, importer, and maker to register each “firearm” (as used here, the term “firearm” includes a firearm silencer and muffler<sup>4</sup>) manufactured, imported, or made in the National Firearms Registration and Transfer Record.<sup>5</sup> Under current law, two exemptions to the offense of “unlawful possession of dangerous ordnance” relate to the National Firearms Registration and Transfer Record.

First, the owner of a dangerous ordnance registered in the National Firearms Registration and Transfer Record is exempt from the offense.<sup>6</sup> Under current law, this exemption applied to an owner of firearm mufflers or suppressors because firearm mufflers or suppressors were dangerous ordnance. Under the bill, firearm mufflers and suppressors are no longer classified as dangerous ordnance, so the exemption no longer applies. As such, under Ohio law, the owner of a firearm muffler or suppressor is no longer required to register it before acquiring, having, carrying, or using a firearm muffler or suppressor. However, under federal law, registration is still required under the “National Firearms Act.”

Second, the owner of dangerous ordnance that is a firearm muffler or suppressor is exempt from the offense if the owner attached the firearm muffler or suppressor to a gun that is used for hunting and is authorized to use such dangerous ordnance by the Hunting Law.<sup>7</sup> The Hunting Law also specifies that a person who holds a valid hunting license and who hunts game birds or wild quadrupeds may use a suppressor attached to a gun that is authorized to be used for hunting, provided that the person is authorized to possess the suppressor under Ohio and federal law and has registered the suppressor in accordance with the “National Firearms Act.” The bill removes the exemption and modifies that Hunting Law to remove the references to “possessing the suppressor under Ohio and federal law” and “registering the suppressor in accordance with the ‘National Firearms Act.’”<sup>8</sup>

## Definition of “dangerous ordnance”

Under current law, “**dangerous ordnance**” means any of the following:<sup>9</sup>

- Any automatic or sawed-off firearm, zip-gun, or ballistic knife;

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<sup>3</sup> R.C. 2923.11(K)(5) and 2923.17(A) and (C).

<sup>4</sup> 26 United States Code (U.S.C.) 5845(a), by reference to 18 U.S.C. 921(a)(25).

<sup>5</sup> 26 U.S.C. 5841.

<sup>6</sup> R.C. 2923.17(C)(5).

<sup>7</sup> R.C. 2923.11(K)(5) and 2923.17(C)(8).

<sup>8</sup> R.C. 1533.04(A).

<sup>9</sup> R.C. 2923.11(K).

- Any explosive device or incendiary device;
- Nitroglycerin, nitrocellulose, nitrostarch, PETN, cyclonite, TNT, picric acid, and other high explosives; amatol, tritonal, tetrytol, pentolite, pecretol, cyclotol, and other high explosive compositions; plastic explosives; dynamite, blasting gelatin, gelatin dynamite, sensitized ammonium nitrate, liquid-oxygen blasting explosives, blasting powder, and other blasting agents; and any other explosive substance having sufficient brisance or power to be particularly suitable for use as a military explosive, or for use in mining, quarrying, excavating, or demolitions;
- Any firearm, rocket launcher, mortar, artillery piece, grenade, mine, bomb, torpedo, or similar weapon, designed and manufactured for military purposes, and the ammunition for that weapon;
- Any firearm muffler or suppressor (eliminated by the bill);
- Any combination of parts that is intended by the owner for use in converting any firearm or other device into a dangerous ordnance.

“**Dangerous ordnance**” does not include any of the following:<sup>10</sup>

- Any firearm, including a military weapon and the ammunition for that weapon, and regardless of its actual age, that employs a percussion cap or other obsolete ignition system, or that is designed and safe for use only with black powder;
- Any pistol, rifle, or shotgun, designed or suitable for sporting purposes, including a military weapon as issued or as modified, and the ammunition for that weapon, unless the firearm is an automatic or sawed-off firearm;
- Any cannon or other artillery piece that, regardless of its actual age, is of a type in accepted use prior to 1887, has no mechanical, hydraulic, pneumatic, or other system for absorbing recoil and returning the tube into battery without displacing the carriage, and is designed and safe for use only with black powder;
- Black powder, priming quills, and percussion caps possessed and lawfully used to fire a cannon of a type described above during displays, celebrations, organized matches or shoots, and target practice, and smokeless and black powder, primers, and percussion caps possessed and lawfully used as a propellant or ignition device in small-arms or small-arms ammunition;
- Dangerous ordnance that is inoperable or inert and cannot readily be rendered operable or activated, and that is kept as a trophy, souvenir, curio, or museum piece;
- Any device that is expressly excepted from the definition of a destructive device pursuant to the “Gun Control Act of 1968”;

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<sup>10</sup> R.C. 2923.11(L).

- Any firearm with an overall length of at least 26 inches that is approved for sale by the Federal Bureau of Alcohol, Tobacco, Firearms, and Explosives under the “Gun Control Act of 1968,” but that is found by the Bureau not to be regulated under the “National Firearms Act.”

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## HISTORY

Action	Date
Introduced	06-03-25

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