

**As Reported by the Senate Armed Services, Veterans Affairs and Public
Safety Committee**

136th General Assembly

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S. B. No. 214

Senator Koehler

Cosponsor: Senator Johnson

To amend sections 1533.04, 2923.11, and 2923.17 of
the Revised Code to remove firearm mufflers and
suppressors from the classification of dangerous
ordnance.

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

Section 1. That sections 1533.04, 2923.11, and 2923.17 of
the Revised Code be amended to read as follows:

Sec. 1533.04. (A) A person who holds a valid hunting
license issued under this chapter and who hunts game birds or
wild quadrupeds may use a suppressor attached to a gun that is
authorized to be used for hunting by section 1533.16 of the
Revised Code while hunting, ~~provided that the person is
authorized to possess the suppressor under state and federal
laws and has registered the suppressor in accordance with the
"National Firearms Act," 68A Stat. 725 (1934), 26 U.S.C. 5841,
et seq., as amended.~~

(B) As used in this section, "suppressor" means any device
used for diminishing the sound of any shot, bullet, or
projectile that is discharged from a gun that is authorized to
be used for hunting by section 1533.16 of the Revised Code.

Sec. 2923.11. As used in sections 2923.11 to 2923.24 of 20
the Revised Code: 21

(A) "Deadly weapon" means any instrument, device, or thing 22
capable of inflicting death, and designed or specially adapted 23
for use as a weapon, or possessed, carried, or used as a weapon. 24

(B) (1) "Firearm" means any deadly weapon capable of 25
expelling or propelling one or more projectiles by the action of 26
an explosive or combustible propellant. "Firearm" includes an 27
unloaded firearm, and any firearm that is inoperable but that 28
can readily be rendered operable. 29

(2) When determining whether a firearm is capable of 30
expelling or propelling one or more projectiles by the action of 31
an explosive or combustible propellant, the trier of fact may 32
rely upon circumstantial evidence, including, but not limited 33
to, the representations and actions of the individual exercising 34
control over the firearm. 35

(C) "Handgun" means any of the following: 36

(1) Any firearm that has a short stock and is designed to 37
be held and fired by the use of a single hand; 38

(2) Any combination of parts from which a firearm of a 39
type described in division (C) (1) of this section can be 40
assembled. 41

(D) "Semi-automatic firearm" means any firearm designed or 42
specially adapted to fire a single cartridge and automatically 43
chamber a succeeding cartridge ready to fire, with a single 44
function of the trigger. 45

(E) "Automatic firearm" means any firearm designed or 46
specially adapted to fire a succession of cartridges with a 47

single function of the trigger. 48

(F) "Sawed-off firearm" means a shotgun with a barrel less 49
than eighteen inches long, or a rifle with a barrel less than 50
sixteen inches long, or a shotgun or rifle less than twenty-six 51
inches long overall. "Sawed-off firearm" does not include any 52
firearm with an overall length of at least twenty-six inches 53
that is approved for sale by the federal bureau of alcohol, 54
tobacco, firearms, and explosives under the "Gun Control Act of 55
1968," 82 Stat. 1213, 18 U.S.C. 921(a) (3), but that is found by 56
the bureau not to be regulated under the "National Firearms 57
Act," 68A Stat. 725 (1934), 26 U.S.C. 5845(a). 58

(G) "Zip-gun" means any of the following: 59

(1) Any firearm of crude and extemporized manufacture; 60

(2) Any device, including without limitation a starter's 61
pistol, that is not designed as a firearm, but that is specially 62
adapted for use as a firearm; 63

(3) Any industrial tool, signalling device, or safety 64
device, that is not designed as a firearm, but that as designed 65
is capable of use as such, when possessed, carried, or used as a 66
firearm. 67

(H) "Explosive device" means any device designed or 68
specially adapted to cause physical harm to persons or property 69
by means of an explosion, and consisting of an explosive 70
substance or agency and a means to detonate it. "Explosive 71
device" includes without limitation any bomb, any explosive 72
demolition device, any blasting cap or detonator containing an 73
explosive charge, and any pressure vessel that has been 74
knowingly tampered with or arranged so as to explode. 75

(I) "Incendiary device" means any firebomb, and any device 76

designed or specially adapted to cause physical harm to persons 77
or property by means of fire, and consisting of an incendiary 78
substance or agency and a means to ignite it. 79

(J) "Ballistic knife" means a knife with a detachable 80
blade that is propelled by a spring-operated mechanism. 81

(K) "Dangerous ordnance" means any of the following, 82
except as provided in division (L) of this section: 83

(1) Any automatic or sawed-off firearm, zip-gun, or 84
ballistic knife; 85

(2) Any explosive device or incendiary device; 86

(3) Nitroglycerin, nitrocellulose, nitrostarch, PETN, 87
cyclonite, TNT, picric acid, and other high explosives; amatol, 88
tritonite, tetrytol, pentolite, pecretol, cyclotol, and other 89
high explosive compositions; plastic explosives; dynamite, 90
blasting gelatin, gelatin dynamite, sensitized ammonium nitrate, 91
liquid-oxygen blasting explosives, blasting powder, and other 92
blasting agents; and any other explosive substance having 93
sufficient brisance or power to be particularly suitable for use 94
as a military explosive, or for use in mining, quarrying, 95
excavating, or demolitions; 96

(4) Any firearm, rocket launcher, mortar, artillery piece, 97
grenade, mine, bomb, torpedo, or similar weapon, designed and 98
manufactured for military purposes, and the ammunition for that 99
weapon; 100

(5) ~~Any firearm muffler or suppressor;~~ 101

~~(6) Any combination of parts that is intended by the owner 102
for use in converting any firearm or other device into a 103
dangerous ordnance. 104~~

(L) "Dangerous ordnance" does not include any of the 105
following: 106

(1) Any firearm, including a military weapon and the 107
ammunition for that weapon, and regardless of its actual age, 108
that employs a percussion cap or other obsolete ignition system, 109
or that is designed and safe for use only with black powder; 110

(2) Any pistol, rifle, or shotgun, designed or suitable 111
for sporting purposes, including a military weapon as issued or 112
as modified, and the ammunition for that weapon, unless the 113
firearm is an automatic or sawed-off firearm; 114

(3) Any cannon or other artillery piece that, regardless 115
of its actual age, is of a type in accepted use prior to 1887, 116
has no mechanical, hydraulic, pneumatic, or other system for 117
absorbing recoil and returning the tube into battery without 118
displacing the carriage, and is designed and safe for use only 119
with black powder; 120

(4) Black powder, priming quills, and percussion caps 121
possessed and lawfully used to fire a cannon of a type defined 122
in division (L) (3) of this section during displays, 123
celebrations, organized matches or shoots, and target practice, 124
and smokeless and black powder, primers, and percussion caps 125
possessed and lawfully used as a propellant or ignition device 126
in small-arms or small-arms ammunition; 127

(5) Dangerous ordnance that is inoperable or inert and 128
cannot readily be rendered operable or activated, and that is 129
kept as a trophy, souvenir, curio, or museum piece; 130

(6) Any device that is expressly excepted from the 131
definition of a destructive device pursuant to the "Gun Control 132
Act of 1968," 82 Stat. 1213, 18 U.S.C. 921(a) (4), as amended, 133

and regulations issued under that act; 134

(7) Any firearm with an overall length of at least twenty- 135
six inches that is approved for sale by the federal bureau of 136
alcohol, tobacco, firearms, and explosives under the "Gun 137
Control Act of 1968," 82 Stat. 1213, 18 U.S.C. 921(a)(3), but 138
that is found by the bureau not to be regulated under the 139
"National Firearms Act," 68A Stat. 725 (1934), 26 U.S.C. 140
5845(a). 141

(M) "Explosive" means any chemical compound, mixture, or 142
device, the primary or common purpose of which is to function by 143
explosion. "Explosive" includes all materials that have been 144
classified as division 1.1, division 1.2, division 1.3, or 145
division 1.4 explosives by the United States department of 146
transportation in its regulations and includes, but is not 147
limited to, dynamite, black powder, pellet powders, initiating 148
explosives, blasting caps, electric blasting caps, safety fuses, 149
fuse igniters, squibs, cordeau detonant fuses, instantaneous 150
fuses, and igniter cords and igniters. "Explosive" does not 151
include "fireworks," as defined in section 3743.01 of the 152
Revised Code, or any substance or material otherwise meeting the 153
definition of explosive set forth in this section that is 154
manufactured, sold, possessed, transported, stored, or used in 155
any activity described in section 3743.80 of the Revised Code, 156
provided the activity is conducted in accordance with all 157
applicable laws, rules, and regulations, including, but not 158
limited to, the provisions of section 3743.80 of the Revised 159
Code and the rules of the fire marshal adopted pursuant to 160
section 3737.82 of the Revised Code. 161

(N) (1) "Concealed handgun license" or "license to carry a 162
concealed handgun" means, subject to division (N) (2) of this 163

section, a license or temporary emergency license to carry a 164
concealed handgun issued under section 2923.125 or 2923.1213 of 165
the Revised Code or a license to carry a concealed handgun 166
issued by another state with which the attorney general has 167
entered into a reciprocity agreement under section 109.69 of the 168
Revised Code. 169

(2) A reference in any provision of the Revised Code to a 170
concealed handgun license issued under section 2923.125 of the 171
Revised Code or a license to carry a concealed handgun issued 172
under section 2923.125 of the Revised Code means only a license 173
of the type that is specified in that section. A reference in 174
any provision of the Revised Code to a concealed handgun license 175
issued under section 2923.1213 of the Revised Code, a license to 176
carry a concealed handgun issued under section 2923.1213 of the 177
Revised Code, or a license to carry a concealed handgun on a 178
temporary emergency basis means only a license of the type that 179
is specified in section 2923.1213 of the Revised Code. A 180
reference in any provision of the Revised Code to a concealed 181
handgun license issued by another state or a license to carry a 182
concealed handgun issued by another state means only a license 183
issued by another state with which the attorney general has 184
entered into a reciprocity agreement under section 109.69 of the 185
Revised Code. 186

(O) "Valid concealed handgun license" or "valid license to 187
carry a concealed handgun" means a concealed handgun license 188
that is currently valid, that is not under a suspension under 189
division (A) (1) of section 2923.128 of the Revised Code, under 190
section 2923.1213 of the Revised Code, or under a suspension 191
provision of the state other than this state in which the 192
license was issued, and that has not been revoked under division 193
(B) (1) of section 2923.128 of the Revised Code, under section 194

2923.1213 of the Revised Code, or under a revocation provision 195
of the state other than this state in which the license was 196
issued. 197

(P) "Misdemeanor punishable by imprisonment for a term 198
exceeding one year" does not include any of the following: 199

(1) Any federal or state offense pertaining to antitrust 200
violations, unfair trade practices, restraints of trade, or 201
other similar offenses relating to the regulation of business 202
practices; 203

(2) Any misdemeanor offense punishable by a term of 204
imprisonment of two years or less. 205

(Q) "Alien registration number" means the number issued by 206
the United States citizenship and immigration services agency 207
that is located on the alien's permanent resident card and may 208
also be commonly referred to as the "USCIS number" or the "alien 209
number." 210

(R) "Active duty" has the same meaning as defined in 10 211
U.S.C. 101. 212

Sec. 2923.17. (A) No person shall knowingly acquire, have, 213
carry, or use any dangerous ordnance. 214

(B) No person shall manufacture or process an explosive at 215
any location in this state unless the person first has been 216
issued a license, certificate of registration, or permit to do 217
so from a fire official of a political subdivision of this state 218
or from the office of the fire marshal. 219

(C) Division (A) of this section does not apply to: 220

(1) Officers, agents, or employees of this or any other 221
state or the United States, members of the armed forces of the 222

United States or the organized militia of this or any other	223
state, and law enforcement officers, to the extent that any such	224
person is authorized to acquire, have, carry, or use dangerous	225
ordnance and is acting within the scope of the person's duties;	226
(2) Importers, manufacturers, dealers, and users of	227
explosives, having a license or user permit issued and in effect	228
pursuant to the "Organized Crime Control Act of 1970," 84 Stat.	229
952, 18 U.S.C. 843, and any amendments or additions thereto or	230
reenactments thereof, with respect to explosives and explosive	231
devices lawfully acquired, possessed, carried, or used under the	232
laws of this state and applicable federal law;	233
(3) Importers, manufacturers, and dealers having a license	234
to deal in destructive devices or their ammunition, issued and	235
in effect pursuant to the "Gun Control Act of 1968," 82 Stat.	236
1213, 18 U.S.C. 923, and any amendments or additions thereto or	237
reenactments thereof, with respect to dangerous ordnance	238
lawfully acquired, possessed, carried, or used under the laws of	239
this state and applicable federal law;	240
(4) Persons to whom surplus ordnance has been sold,	241
loaned, or given by the secretary of the army pursuant to 70A	242
Stat. 262 and 263, 10 U.S.C. 4684, 4685, and 4686, and any	243
amendments or additions thereto or reenactments thereof, with	244
respect to dangerous ordnance when lawfully possessed and used	245
for the purposes specified in such section;	246
(5) Owners of dangerous ordnance registered in the	247
national firearms registration and transfer record pursuant to	248
the act of October 22, 1968, 82 Stat. 1229, 26 U.S.C. 5841, and	249
any amendments or additions thereto or reenactments thereof, and	250
regulations issued thereunder;	251

(6) Carriers, warehouses, and others engaged in the 252
business of transporting or storing goods for hire, with respect 253
to dangerous ordnance lawfully transported or stored in the 254
usual course of their business and in compliance with the laws 255
of this state and applicable federal law; 256

(7) The holders of a license or temporary permit issued 257
and in effect pursuant to section 2923.18 of the Revised Code, 258
with respect to dangerous ordnance lawfully acquired, possessed, 259
carried, or used for the purposes and in the manner specified in 260
such license or permit; 261

~~(8) Persons who own a dangerous ordnance that is a firearm 262
muffler or suppressor attached to a gun that is authorized to be 263
used for hunting by section 1533.16 of the Revised Code and who 264
are authorized to use such a dangerous ordnance by section 265
1533.04 of the Revised Code. 266~~

(D) Whoever violates division (A) of this section is 267
guilty of unlawful possession of dangerous ordnance, a felony of 268
the fifth degree. 269

(E) Whoever violates division (B) of this section is 270
guilty of illegally manufacturing or processing explosives, a 271
felony of the second degree. 272

Section 2. That existing sections 1533.04, 2923.11, and 273
2923.17 of the Revised Code are hereby repealed. 274