As Passed by the Senate

136th General Assembly

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Sub. S. B. No. 273

Senator Koehler

Cosponsors: Senators Johnson, Antonio, Blessing, Brenner, Cirino, Craig, DeMora, Gavarone, Hicks-Hudson, Huffman, Lang, Manning, Patton, Reineke, Reynolds, Roegner, Romanchuk, Schaffer, Timken, Weinstein

То	enact section 2923.26 of the Revised Code to	1
	enact the Keep Them Safe Act to provide	2
	guidelines and civil immunity for the voluntary	3
	storage of firearms.	4

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

Section 1. That section 2923.26 of the Revised Code be	5
enacted to read as follows:	
Sec. 2923.26. (A) As used in this section:	7
(1) "Legal cause" means any legal authority that would	8
prohibit receiving or possessing a firearm, including disability	
under section 2923.13 of the Revised Code or under 18 U.S.C.	10
922(g).	
(2) "Federally licensed firearms dealer" has the same	12
meaning as in section 5502.63 of the Revised Code.	
(3) "Law enforcement agency" means a police department,	14
the office of a sheriff, the state highway patrol, or a federal,	15
state, or local governmental body that enforces criminal laws	16
and that has employees who have a statutory power of arrest.	17

(4) "Political subdivision" has the same meaning as in	18
section 2744.01 of the Revised Code.	19
(B) Any person who holds legal title to a firearm or has	20
authority from another person who holds legal title to a firearm	21
may, upon application and agreement, store a firearm with a	22
federally licensed firearms dealer or with a law enforcement	23
agency pursuant to this section.	24
(C) The following terms apply to the storage of a firearm	25
with a federally licensed firearms dealer under this section:	26
(1) The dealer may not enter into an agreement for firearm	27
storage if the dealer's federal firearms license will expire	28
during the term of storage, unless the dealer has submitted a	29
timely renewal application to the federal bureau of alcohol,	30
tobacco, firearms, and explosives and is authorized to continue	31
operations under federal law.	32
(2) The dealer shall follow all federal laws regarding	33
acquisition, transfer, and disposition of firearms pursuant to	34
18 U.S.C. 921 et seq. and 26 U.S.C. 53 et seq.	35
(3) A dealer may establish the dealer's own policies and	36
procedures regarding the acceptance and return of a firearm and	37
provide a copy of the policies and procedures to any person	38
placing a firearm in storage with that dealer.	39
(4) No dealer shall return a firearm to a person if the	40
return of the firearm would result in a direct violation of	41
<pre>state or federal law.</pre>	42
(D) The following terms apply to storage of a firearm with	43
a law enforcement agency under this section:	44
(1) A law enforcement agency may establish policies	45

regarding the return of firearms.	46
(2) No law enforcement agency shall return a firearm if	47
the return of the firearm would result in a direct violation of	48
state or federal law.	
(E) Nothing in this section shall be construed as a	50
requirement for a federally licensed firearms dealer or law	51
enforcement agency to accept a firearm for storage pursuant to	52
this section.	53
(F) Nothing in this section shall be construed as a	54
requirement for a federally licensed firearms dealer or law	55
enforcement agency to accept a firearm or firearms for voluntary	56
storage free of charge.	57
(G) A federally licensed firearms dealer that accepts the	58
storage of a firearm under this section is immune from liability	59
in a civil action for any injury, death, or loss to person or	60
property that allegedly is caused by or related to the	61
acceptance, storage, or return of a firearm unless the federally	62
licensed firearms dealer acts with malicious purpose or intent	63
to withhold the return of the firearm without legal cause.	64
(H) A law enforcement agency or political subdivision is	65
immune from liability in a civil action, to the extent and in	66
the manner provided in Chapter 2744. of the Revised Code, for	67
any injury, death, or loss to person or property that allegedly	68
is caused by or related to the acceptance, storage, or return of	69
a firearm.	70
(I) If a court of competent jurisdiction finds that a	71
federally licensed firearms dealer or law enforcement agency	72
withheld return of a firearm or firearms after a demand was made	73
for the return by a person who holds legal title to the stored	74

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firearm or a person who has authority from the person who holds	75
legal title to the stored firearm, without legal cause, in	76
addition to any other relief ordered, the court shall award	77
reasonable costs and attorney's fees to the person who sought a	78
court order finding the firearm stored was illegally withheld.	
(J) Any information submitted by a person in an	80
application or agreement to store a firearm with a federally	81
licensed firearms dealer or a law enforcement agency pursuant to	82
this section is confidential, is not a public record under	83
section 149.43 of the Revised Code, and may not be used for any	84
purpose except as described under this section.	85
Section 2. This act shall be known as the Keep Them Safe	86
Act.	87