

As Re-Referred by the House Rules and Reference Committee

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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

Representatives Abrams, Willis

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To 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: 6

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 9
under section 2923.13 of the Revised Code or under 18 U.S.C. 10
922(g). 11

(2) "Federally licensed firearms dealer" has the same 12
meaning as in section 5502.63 of the Revised Code. 13

(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 owner of a lawfully possessed firearm or a person 20
authorized by the owner of a lawfully possessed firearm may, 21
upon application and agreement, store a firearm with a federally 22
licensed firearms dealer or with a law enforcement agency 23
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
state or federal law. 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. 49

(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 an owner of a lawfully possessed firearm or a 74
person authorized by the owner of a lawfully possessed firearm, 75
without legal cause, in addition to any other relief ordered, 76
the court shall award reasonable costs and attorney's fees to 77
the person who sought a court order finding the firearm stored 78
was illegally withheld. 79

(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