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SUMMARY

Freedom to Carry Act

- Names the bill the Freedom to Carry Act.

Concealed weapons licenses

- Modifies the name “concealed handgun license” to “concealed weapons license.”
- Allows a concealed weapons licensee, a qualifying adult, and an active duty member of the U.S. armed forces to carry concealed any deadly weapon, other than an exclusive deadly weapon.
- Defines an “exclusive deadly weapon” as a deadly weapon that is an exclusive firearm or that Ohio or federal law prohibits the person from possessing, having, or carrying.
- Defines “exclusive firearm” as a firearm that is dangerous ordnance or that Ohio or federal law prohibits the person from possessing, having, or carrying.
- Provides that the availability of a concealed weapons license may not be construed to prohibit or restrict a person from possessing, carrying, or transporting a deadly weapon without a license if the possession, carrying, or transport is otherwise permitted by law.

Carrying concealed weapons without a license

- Modifies the definition of a “qualifying adult” to a person who is at least 18 years old, rather than a person who is at least 21 years old.
- Eliminates the requirement that an active duty member must carry a valid military identification and documentation of successful completion of firearms training for the armed forces exemptions and protections to apply, and instead requires that the person has been issued such valid military identification and documentation.

Carrying concealed weapons

- Modifies the penalty for “carrying concealed weapons” so that it is a minor misdemeanor if the offender is a concealed weapons licensee, a qualifying adult, or an active duty member of the U.S. armed forces and if the person is knowingly in an unauthorized place.

Improperly handling firearms in a motor vehicle

- Provides that a concealed weapons licensee, a qualifying adult, or an active duty member of the U.S. armed forces who is exempt from the offense of “improperly handling firearms in a motor vehicle,” which prohibits a person from having a loaded firearm in a motor vehicle, is not subject to the existing law definition of “unloaded.”
- Allows a concealed weapons licensee, a qualifying adult, or an active duty member of the U.S. armed forces to have ammunition in the firearm, to have one or more speed loaders containing ammunition anywhere in the vehicle, and to insert the magazines or speed loaders containing ammunition into the firearm in question.

Applications for concealed weapons licenses

- Allows an applicant for a concealed weapons license, a temporary emergency concealed weapons license, or a renewal of a concealed weapons license who is an Ohio resident to apply to the sheriff of any county, instead of only to the sheriff of the applicant’s county of residence or an adjacent county.
- Allows a sheriff to provide up to eight hours a week, in addition to the currently required 15 hours, during which the sheriff accepts concealed weapons applications or renewal applications only from county residents and provides information on concealed weapons applications only to county residents.
- For each hour provided in a week as described in the preceding dot point, the sheriff must provide an additional hour outside of the currently required 15 hours during which the sheriff accepts concealed weapons license applications or renewal applications from any person and provides information on concealed weapons applications to any person.

Concealed Weapons License Issuance Expense Fund

- Expands the authorized uses a sheriff may make of the fees deposited into the sheriff’s Concealed Weapons License Issuance Expense Fund to also allow use for either of the following:
 - Any costs incurred for nonlethal weapons and supplies to be used by the sheriff or the sheriff’s employees, including costs incurred for training on the use of nonlethal weapons;
 - Any costs incurred for a sheriff’s employee to attend a basic peace officer training academy or a basic correction officer academy approved by the Ohio peace officer training commission.

Unlawful possession of dangerous ordnance

- Removes a muffler, suppressor, and sawed-off firearm from the classification of dangerous ordnance.
- Removes the Ohio requirement that a muffler, suppressor, or sawed-off firearm must be registered in the National Firearms Registration and Transfer Record before carrying the muffler, suppressor, or sawed-off firearm in Ohio.

Firearms in vehicles and vessels

- Repeals prohibitions on carrying firearms in vehicles and vessels.

State preemption of firearms regulation

- Expands state preemption of firearms regulation to include deadly weapons and firearm accessories and attachments, instead of only firearms, their components, and their ammunition.

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DETAILED ANALYSIS

Freedom to Carry Act

The bill names the act the Freedom to Carry Act.¹

Concealed weapons licenses

Current law allows a person who has a concealed handgun license to carry a concealed handgun. The bill changes the name of the license from a “concealed handgun license” to a “concealed weapons license,”² and allows a person who has a concealed weapons license to carry a concealed deadly weapon, other than an exclusive deadly weapon (see “**Weapons that may be carried concealed**,” for the current law definition below).³

Under the bill, a “**concealed weapons license**” or a “**license to carry a concealed weapon**” is any of the following:⁴

- A license or temporary emergency license issued on or after the bill’s effective date that authorizes the licensee to carry a concealed deadly weapon, other than an exclusive deadly weapon;

¹ Section 5.

² R.C. 109.69, 109.731, 311.41, 311.42, 311.43, 1547.69, 2921.13, 2923.11, 2923.111, 2923.12, 2923.121, 2923.122, 2923.123, 2923.124, 2923.125, 2923.126, 2923.127, 2923.128, 2923.129, 2923.1210, 2923.1211, 2923.1213, 2923.16, and 2953.35.

³ R.C. 2923.126(A).

⁴ R.C. 2923.11(M)(1) and (2).

- A license or temporary emergency license to carry a concealed handgun issued prior to the bill's effective date that authorized the licensee to carry a concealed handgun and that, on or after the bill's effective date, authorizes the licensee to carry a concealed deadly weapon, other than an exclusive deadly weapon;
- A license issued by another state with which the Attorney General has entered into a reciprocity agreement that authorizes the licensee to carry a concealed handgun, firearm, or deadly weapon.

Under the bill, a “**valid concealed weapons license**” or a “**valid license to carry a concealed weapon**” is a concealed weapons license or a license to carry a concealed weapon that is currently valid, that is not under suspension, and that has not been revoked.⁵

The provisions of the bill apply to a concealed weapons license, a temporary emergency concealed weapons license, or a license issued by another state, regardless of whether the license was issued, renewed, suspended, revoked, denied, or expired before, on, or after the bill's effective date.⁶

Carrying concealed weapons without a license

Qualifying adults

Current law allows a “qualifying adult” to carry a concealed handgun without a license. The bill allows a qualifying adult to carry a concealed deadly weapon, other than an exclusive deadly weapon (see “**Weapons that may be carried concealed**,” for the current law definition below).⁷

The bill modifies the definition of a “**qualifying adult**” in the following ways:⁸

- A qualifying adult must be 18 years old (under current law, a qualifying adult must be 21 years old);
- A qualifying adult must not be legally prohibited from acquiring, possessing, or receiving a deadly weapon under Ohio or federal law (under current law a qualifying adult must not be legally prohibited from possessing or receiving a firearm under 18 U.S.C. 922(g)(1) to (9) or R.C. 2923.13);
- A qualifying adult must satisfy certain criteria (unchanged by the bill) under the Concealed Handgun Law.

Active duty members of the armed forces

Current law exempts an “active duty” member of the armed forces of the United States from specified deadly weapon offenses. In those instances, current law allows an active duty

⁵ R.C. 2923.11(N).

⁶ R.C. 109.69, 109.731, 311.41, 311.42, 2921.13, 2923.11, 2923.124, 2923.125, 2923.126, and 2923.1213.

⁷ R.C. 2923.111(A).

⁸ R.C. 2923.111(A)(1).

member of the armed forces of the United States to carry a concealed handgun without a license. In those same instances, the bill allows an active duty member of the armed forces to carry a concealed deadly weapon, other than an exclusive deadly weapon (see, “**Weapons that may be carried concealed**,” for the current law definition below).⁹

Elimination of requirement that military identification be carried

Current law exempts an active duty member of the armed forces of the United States from specified deadly weapon offenses if the active duty member of the armed forces of the United States is carrying a valid military identification and documentation of successful completion of firearms training that meets or exceeds the training requirements for a concealed handgun license. The bill eliminates the requirement that an active duty member of the armed forces of the United States must carry a valid military identification and documentation of successful completion of firearms training for the exemption to apply. Instead, the bill requires that the active duty member of the armed forces of the United States has been issued a valid military identification and documentation of successful completion of firearms training that meets or exceeds the training requirements for a concealed weapons license that are valid at the time of the carrying or possession.¹⁰

Illegal possession of a firearm in a liquor permit premises

The offense of “illegal possession of a firearm in a liquor permit premises” prohibits a person from possessing a firearm in any room in which any person is consuming beer or intoxicating liquor in a premises for which a D permit has been issued or in an open air arena for which a permit has been issued.¹¹

The bill expands the existing exemptions for the offense to active duty members of the armed forces of the United States. The offense does not apply to the principal holder of a D permit issued for a premises or an open air arena while the premises or open air arena for which the permit was issued if the holder is an active duty member of the armed forces of the United States and has been issued a valid military identification and documentation of successful completion of firearms training that meets or exceeds the training requirements for a concealed weapons license that are valid at the time of possession, as long as the firearm is not an exclusive firearm, and the holder is not consuming beer or intoxicating liquor or under the influence of alcohol or a drug of abuse.¹²

Transporting or storing a firearm in a motor vehicle

Current law prohibits a business entity, property owner, or public or private employer from establishing, maintaining, or enforcing a policy or rule that prohibits or has the effect of

⁹ R.C. 1547.69(H)(2)(a)(ii), 2923.12(C)(2)(a)(ii), 2923.121(B)(1)(f), 2923.122(D)(3)(b), 2923.123(C)(6), 2923.126(E)(2), and 2923.16(F)(5)(a).

¹⁰ R.C. 1547.69(H)(2)(a)(ii), 2923.12(C)(2)(a)(ii), 2923.121(B)(1)(f), 2923.122(D)(3)(b), 2923.123(C)(6), 2923.126(E)(2), and 2923.16(F)(5)(a).

¹¹ R.C. 2923.121(A).

¹² R.C. 2923.121(B)(1)(d)(ii).

prohibiting a person who has been issued a concealed handgun license (or a qualifying adult by reference) from transporting or storing a firearm or ammunition when both of the following conditions are met:

- Each firearm and all ammunition remain inside the person’s privately owned motor vehicle while the person is physically present inside the motor vehicle, or each firearm and all of the ammunition is locked within the trunk, glove box, or other enclosed compartment or container within or on the person’s privately owned motor vehicle;
- The vehicle is in a location where it is otherwise permitted to be.

The bill expands the above provision to apply to an active duty military member of the armed forces of the United States who has been issued a valid military identification and documentation of successful completion of firearms training that meets or exceeds the training requirements for a concealed weapons license.¹³

“Active duty” means full-time duty in the active military service of the United States, including sustained duty in the Space Force. Such term includes full-time training duty, annual training duty, and attendance, while in the active military service at a school designated as a service school by law or by the Secretary of the military department concerned. “Active duty” does not include full-time National Guard duty.¹⁴

Weapons that may be carried concealed

Under the bill, a concealed weapons licensee, a qualifying adult, or an active duty member of the armed forces of the United States (in the circumstances described above), may carry any concealed deadly weapon that is not an exclusive deadly weapon. The bill defines an “exclusive deadly weapon” as a deadly weapon that is an exclusive firearm or that Ohio or federal law prohibits the person from possessing, having, or carrying. The bill defines an “exclusive firearm” as a firearm that is dangerous ordnance or that Ohio or federal law prohibits the person from possessing, having, or carrying.¹⁵

Current law defines the following terms:

“**Dangerous ordnance**” means any of the following:¹⁶

- An automatic or sawed-off firearm, zip-gun, or ballistic knife (see “**Sawed-off firearm**,” for the bill’s definition below);
- Any explosive device or incendiary device;
- Any of a list of specified explosives;

¹³ R.C. 2923.1210.

¹⁴ R.C. 2923.11(Q) and 10 United States Code (U.S.C.) 101(d)(1).

¹⁵ R.C. 2923.111(A)(2) and (A)(3).

¹⁶ R.C. 2923.11(J).

- Specified military-type weapons such as rocket launchers, mortars, grenades, or torpedoes, and ammunition for those weapons;
- A firearm muffler or suppressor;
- Any combination of parts intended by the owner for use in converting a firearm or other device into dangerous ordnance.

“**Dangerous ordnance**” does not include any of the following:¹⁷

- A firearm that employs an obsolete ignition system or that may be used only with black powder;
- A pistol, rifle, or shotgun, other than an automatic or sawed-off firearm, that is designed or suitable for sporting purposes, and its ammunition (see “**Sawed-off firearm**,” for the bill’s definition below);
- Any pre-1887 style artillery piece that meets specified criteria and items used to fire it in certain circumstances;
- Smokeless and black powder, primers, and percussion caps used as a propellant or ignition device in small-arms or small-arms ammunition;
- Inoperable or inert dangerous ordnance that satisfies specified criteria;
- Any device expressly excepted from the definition of a destructive device pursuant to the federal Gun Control Act of 1968;
- 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.

“**Deadly weapon**” means any instrument, device, or thing capable of inflicting death, and designed or specially adapted for use as a weapon, or possessed, carried, or used as a weapon.¹⁸

“**Firearm**” means 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 readily be 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

¹⁷ R.C. 2923.11(K).

¹⁸ R.C. 2923.11(A).

representations and actions of the individual exercising control over the firearm (see **“Sawed-off firearm,”** for the bill’s definition below).¹⁹

The bill modifies existing provisions to refer to the expanded types of weapons that may be carried concealed.²⁰

Availability of concealed weapons license is not restriction

The bill provides that the availability of a concealed weapons license may not be construed to prohibit or restrict a person from possessing, carrying, or transporting a deadly weapon in a vehicle or on or about the person’s person, whether concealed or unconcealed, loaded or unloaded, without a valid concealed weapons license if the possession, carrying, or transport in the manner in question is otherwise permitted by law.²¹

Carrying concealed weapons

Offense

Under current law, the offense of “carrying concealed weapons” prohibits a person from knowingly carrying or having, concealed on the person’s person or concealed ready at hand, any of the following:²²

1. A deadly weapon other than a handgun;
2. A handgun other than a dangerous ordnance;
3. A dangerous ordnance.

Penalties under the bill

The bill modifies the penalties for the offense if the offender is a concealed weapons licensee and has been issued a concealed weapons license that is valid at the time of the violation, is an active duty member of the U.S. armed forces and has been issued a valid military identification and documentation of successful completion of firearms training that meets or exceeds the training requirements for a concealed weapons license that are valid at the time of the violation, or is a qualifying adult and if the person is knowingly in an unauthorized place. Under the bill, the penalty for the offense is a minor misdemeanor.²³

¹⁹ R.C. 2923.11(B).

²⁰ R.C. 109.69, 109.731, 1547.69, 2921.13, 2923.11, 2923.111, 2923.12, 2923.121, 2923.122, 2923.123, 2923.125, 2923.126, 2923.128, 2923.129, 2923.1210, 2923.1212, 2923.1213, 2923.16, and 4749.10.

²¹ R.C. 2923.125(J) and 2923.1213(J).

²² R.C. 2923.12(A).

²³ R.C. 2923.12(F)(2)(b) and 2923.126(B).

Penalties under current law

The bill eliminates the current law penalties for the offense that apply if the offender is a concealed handgun licensee, is an active duty member of the U.S. armed forces, or is in possession of a handgun on the premises of an institution of higher education.²⁴

Concealed handgun licensees

Under current law, a person must not be arrested for carrying a concealed handgun solely because the person does not promptly produce a valid concealed handgun license. If a person is arrested for carrying a concealed handgun and is convicted of or pleads guilty to the violation, the offender must be punished as follows:²⁵

- The offender is guilty of a minor misdemeanor if both of the following apply:
 - Within ten days after the arrest, the offender presents a concealed handgun license, which license was valid at the time of the arrest, to the law enforcement agency that employs the arresting officer.
 - At the time of the arrest, the offender was not knowingly in an unauthorized place.
- The offender is guilty of a misdemeanor and will be fined \$500 if all of the following apply:
 - The offender previously had been issued a concealed handgun license, and that license expired within the two years immediately preceding the arrest.
 - Within 45 days after the arrest, the offender presents a concealed handgun license to the law enforcement agency that employed the arresting officer, and the offender waives in writing the offender's right to a speedy trial on the charge of the violation.
 - At the time of the commission of the offense, the offender was not knowingly in an unauthorized place.

Active duty members of the armed forces of the United States

Under current law, if a person being arrested for carrying a concealed handgun is an active duty member of the U.S. armed forces and is carrying a valid military identification and documentation of successful completion of firearms training that meets or exceeds the training requirements for a concealed handgun license, and if at the time of the violation the person was not knowingly in an unauthorized place, the officer must not arrest the person for a violation of the prohibition. If the person is not able to promptly produce a valid military identification and documentation of successful completion of firearms training that meets or exceeds the training requirements for a concealed handgun license and if the person is not in an unauthorized place, the officer must issue a citation and the offender will be assessed a civil penalty of not more than

²⁴ R.C. 2923.12(F)(1), (2), (6), and (7) and 2923.126(B).

²⁵ R.C. 2923.12(F)(2), repealed by the bill, and 2923.126(B).

\$500. The citation must be automatically dismissed and the civil penalty must not be assessed if both of the following apply:²⁶

- Within ten days after the issuance of the citation, the offender presents a valid military identification and documentation of successful completion of firearms training that meets or exceeds the training requirements for a concealed handgun license, which were both valid at the time of the issuance of the citation to the law enforcement agency that employs the citing officer.
- At the time of the citation, the offender was not knowingly in an unauthorized place.

Premises of an institution of higher education

Under current law, if a person being arrested for carrying a concealed handgun in violation of the possession prohibition is knowingly on premises owned or leased by any public or private institution of higher education and is not authorized to carry a handgun or have a handgun concealed on the person's person or concealed ready at hand on those premises, the penalty must be as follows:²⁷

- If the person produces a valid concealed handgun license within ten days after the arrest and has not been previously convicted of carrying a concealed handgun in violation of the prohibition, the person is guilty of a minor misdemeanor.
- If the person has been previously convicted of carrying a concealed handgun in violation of the prohibition, the person is guilty of a fourth degree misdemeanor.
- If the person has been previously convicted two times of carrying a concealed handgun in violation of the prohibition, the person is guilty of a third degree misdemeanor.
- If the person has previously been convicted three or more times of carrying a concealed handgun in violation of the prohibition, the person is guilty of a second degree misdemeanor.

Improperly handling firearms in a motor vehicle

Offense

Under current law, the offense of “improperly handling firearms in a motor vehicle” prohibits a person from doing either of the following:²⁸

- Knowingly transporting or having a loaded firearm in a motor vehicle in such a manner that the firearm is accessible to the operator or any passenger without leaving the vehicle;

²⁶ R.C. 2923.12(F)(6), repealed by the bill, and 2923.126(B).

²⁷ R.C. 2923.12(F)(7), repealed by the bill, and 2923.126(B)(5).

²⁸ R.C. 2923.16(B) and (C).

- Knowingly transporting or having a firearm in a motor vehicle, unless the person may lawfully possess that firearm under applicable Ohio or federal law, the firearm is unloaded, and the firearm is carried in one of the following ways:
 - In a closed package, box, or case;
 - In a compartment that can be reached only by leaving the vehicle;
 - In plain sight and secured in a rack or holder made for that purpose;
 - If the firearm is at least 24 inches in overall length as measured from the muzzle to the part of the stock furthest from the muzzle and if the barrel is at least 18 inches in length, either in plain sight with the action open or the weapon stripped, or, if the firearm is of a type on which the action will not stay open or which cannot easily be stripped, in plain sight.

Exemption

The bill retains existing provisions (except it expands the language to apply to a concealed weapons licensee) that the offense does not apply to a person who has been issued a concealed weapons license that is valid at the time of the transporting or possessing (or a qualifying adult by reference) or a person who is an active duty member of the U.S. armed forces who has been issued a valid military identification card and documentation of successful completion of firearms training that meets or exceeds the training requirements for a concealed weapons license that are valid at the time of the transporting or possessing as long as the person transporting or possessing the firearm is not in an unauthorized place.²⁹

Application of the term “unloaded”

Under the bill, a concealed handgun licensee (or a qualifying adult by reference) or an active duty member of the U.S. armed forces who qualifies for the exemption and who transports or possesses a firearm that is not an exclusive firearm in a motor vehicle may have ammunition in the firearm in question, may have one more magazines or speed loaders containing ammunition anywhere in the vehicle, and may insert the magazines or speed loaders containing ammunition into the firearm in question, without being transported or possessed as described in the definition of “unloaded.”³⁰

Under current law, the definition of “unloaded” does not affect the authority of a person who has been issued a concealed handgun license (or a qualifying adult by reference) that is valid at the time in question to have one or more magazines or speed loaders containing ammunition anywhere in the vehicle, without being transported as in the definition of “unloaded,” as long as no ammunition is in the firearm, other than a handgun, in the vehicle other than as permitted under the Firearms Law. A person who has been issued a concealed handgun license (or a qualifying adult by reference) that is valid at the time in question may have one or more magazines or speed loaders containing ammunition anywhere in the vehicle without further

²⁹ R.C. 2923.126(B) and 2923.16(F)(5)(a).

³⁰ R.C. 2923.16(F)(5)(b).

restriction, as long as no ammunition is in the firearm, other than a handgun, in the vehicle other than as permitted under the Firearms Law.³¹

Definition of the term “unloaded”

Under current law, “**unloaded**” means that no ammunition is in the firearm in question, no magazine or speed loader containing ammunition is inserted into the firearm in question, and one of the following applies:³²

1. There is no ammunition in a magazine or speed loader that is in the vehicle in question and that may be used with the firearm in question;
2. Any magazine or speed loader that contains ammunition and that may be used with the firearm in question is stored in a compartment within the vehicle in question that cannot be accessed without leaving the vehicle or is stored in a “container that provides complete and separate enclosure.”

For purposes of (2) above, a “**container that provides complete and separate enclosure**” includes any of the following:³³

1. A package, box, or case with multiple compartments, as long as the loaded magazine or speed loader and the firearm in question either are in separate compartments within the package, box, or case, or, if they are in the same compartment, the magazine or speed loader is contained within a separate enclosure in that compartment that does not contain the firearm and that closes using a snap, button, buckle, zipper, hook, and loop closing mechanism, or other fastener that must be opened to access the contents or the firearm is contained within a separate enclosure of that nature in that compartment that does not contain the magazine or speed loader;
2. A pocket or other enclosure on the person of the person in question that closes using a snap, button, buckle, zipper, hook, and loop closing mechanism or other fastener that must be opened to access the contents.

For purposes of the above definitions, ammunition held in stripper-clips or in en-bloc clips is not considered ammunition that is loaded into a magazine or speed loader.³⁴

Modification of license application and renewal procedures

The bill allows an applicant for a concealed weapons license who is an Ohio resident to apply to the sheriff of any county, rather than only to the sheriff of the applicant’s county of residence or of an adjacent county. It retains the existing provisions (except that it expands the language to apply to a concealed weapons licensee) that require an applicant for a concealed weapons license who does not reside in Ohio to apply to the sheriff of the county in which the

³¹ R.C. 2923.16(L).

³² R.C. 2923.16(K)(5)(a).

³³ R.C. 2923.16(K)(5)(b).

³⁴ R.C. 2923.16(K)(5)(c).

applicant is employed or of an adjacent county. The bill also allows an applicant for a temporary emergency license to apply to the sheriff of any county. Currently, a person seeking a temporary emergency license must apply to the sheriff of the county in which the person resides or, if the person usually resides in a state other than Ohio, to the sheriff of the county in which the person is temporarily staying – it is unclear how the bill's change regarding an application for a temporary emergency license affects the application by a person who usually resides in a state other than Ohio.³⁵

Similarly, the bill allows an applicant for a renewal of a concealed weapons license who is an Ohio resident to file with the sheriff of any county, rather than only to the sheriff of the applicant's county of residence or an adjacent county. It retains the existing provisions (except that it expands the language to apply to a concealed weapons licensee) that requires an applicant for a concealed weapons license who does not reside in Ohio to apply to the sheriff of the county that issued the applicant's previous license.³⁶

The bill retains existing provisions (except it expands the language to apply to a concealed weapons licensee) that require a sheriff to provide at least 15 hours a week during which the sheriff accepts concealed weapons applications or renewal applications and provides application forms and information on concealed weapons applications. The bill allows a sheriff to provide up to eight hours (outside of the required 15 hours) during which the sheriff accepts or provides the information on concealed weapons applications only from or to county residents. For each of these hours in a week, the sheriff must provide an additional hour outside of the required 15 hours during which the sheriff accepts or provides the information on concealed weapons applications from or to any person. Current law, unchanged by the bill, requires the sheriff to post notice of the hours during which the sheriff is available to accept or provide the above information.

The bill states that none of the provisions described in the preceding paragraph may be construed to prohibit the sheriff from offering more hours than the required hours during which the sheriff is available to accept or provide the above information to or from any person.³⁷

Expansion of authorized uses of sheriff's Concealed Weapons License Issuance Expense Fund

Current law requires each county to establish in the county treasury a sheriff's Concealed Handgun License Issuance Expense Fund, into which the sheriff must deposit all fees paid by applicants for the issuance or renewal of a concealed handgun license or duplicate license and all fees paid by persons seeking a temporary emergency concealed handgun license. The bill expands the purposes for which the sheriff may expend fees in the fund (renamed the Concealed Weapons License Issuance Expense Fund) to allow the sheriff, in addition to the currently authorized expenditures, to expend the fees in the fund for any costs incurred for nonlethal

³⁵ R.C. 2923.125(B) and 2923.1213(B).

³⁶ R.C. 2923.125(F)(1)(a) and (4).

³⁷ R.C. 2923.125(I).

weapons and supplies to be used by the sheriff or the sheriff's employees, including costs incurred for training on the use of nonlethal weapons, or any costs incurred for a sheriff's employee to attend a basic peace officer training academy or a basic correction officer academy approved by the Ohio Peace Officer Training Commission.

Current law allows the sheriff to expend the fees in the fund for any costs incurred by the sheriff in connection with performing administrative duties related to the issuance of concealed handgun licenses, ammunition and firearms to be used by the sheriff and the sheriff's employees, and any costs incurred in constructing, maintaining, or renovating a shooting range to be used by the sheriff or the sheriff's employees.³⁸

Unlawful possession of dangerous ordnance

Under current law, the offense of "unlawful possession of dangerous ordnance" prohibits a person from knowingly acquiring, having, carrying, or using any dangerous ordnance, a fifth degree felony.³⁹

Muffler and suppressor

Under current law, a firearm muffler or suppressor is classified as a "dangerous ordnance" (see "**Weapons that may be carried concealed**," for the current law definition above).⁴⁰ As such, under the offense a person is prohibited from knowingly acquiring, having, carrying, or using a firearm muffler or suppressor unless an exemption applies.⁴¹

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.⁴²

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 muffler⁴³) manufactured, imported, or made in the National Firearms Registration and Transfer Record.⁴⁴ Under current law, two exemptions to the offense of "unlawful possession of dangerous ordnance" relate to the National Firearms Registration and Transfer Record.

³⁸ R.C. 311.42(B).

³⁹ R.C. 2923.17(A) and (D).

⁴⁰ R.C. 2923.11(J)(5).

⁴¹ R.C. 2923.17(C); R.C. 2923.18, not in the bill.

⁴² R.C. 2923.11(J)(5) and 2923.17(A) and (C)(8).

⁴³ 26 U.S.C. 5845(a)(7), by reference to 18 U.S.C. 921(a)(25).

⁴⁴ 26 U.S.C. 5841.

First, the owner of a dangerous ordnance registered in the National Firearms Registration and Transfer Record is exempt from the offense.⁴⁵ 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.⁴⁶ The Hunting Law also provides 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.”⁴⁷ The bill repeals the exemption and the Hunting Law provision.

Sawed-off firearm

Under current law, a “sawed-off firearm” is classified as a “dangerous ordnance” (see **“Weapons that may be carried concealed,”** for the current law definitions above).⁴⁸ As such, under the offense a person is prohibited from acquiring, having, carrying, or using a sawed-off firearm unless an exemption applies.⁴⁹

The bill removes a sawed-off firearm from the classification of “dangerous ordnance” and eliminates the definition of **“sawed-off firearm.”** Under current law, a “sawed-off firearm” means a shotgun with a barrel less than 18 inches long, or a shotgun less than 26 inches overall. “Sawed-off firearm” does not include 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 1968.⁵⁰ As such, under the bill, a person is no longer prohibited from acquiring, having, carrying, or using a sawed-off firearm, regardless of whether an exemption applies.⁵¹

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 shotgun having

⁴⁵ R.C. 2923.17(C)(5).

⁴⁶ R.C. 2923.17(C)(8).

⁴⁷ R.C. 1533.04, repealed.

⁴⁸ R.C. 2923.11(J)(1).

⁴⁹ R.C. 2923.17(C); R.C. 2923.18, not in the bill.

⁵⁰ R.C. 2923.11(F).

⁵¹ R.C. 2923.11(J)(1) and 2923.17(A) and (C).

a barrel or barrels of less than 18 inches in length, a weapon made from a shotgun if such weapon as modified has an overall length of less than 26 inches or a barrel or barrels of less than 18 inches in length, a rifle having a barrel or barrels of less than 16 inches in length, or a weapon made from a rifle if such weapon as modified has an overall length of less than 26 inches or a barrel or barrels of less than 16 inches in length⁵²) manufactured, imported, or made in the National Firearms Registration and Transfer Record.⁵³ Under current law, an exemption to the offense of “unlawful possession of dangerous ordnance” relates to the National Firearms Registration and Transfer Record.

The owner of a dangerous ordnance registered in the National Firearms Registration and Transfer Record is exempt from the offense.⁵⁴ Under current law, this exemption applied to an owner of a sawed-off firearm because a sawed-off firearm was a dangerous ordnance. Under the bill, a sawed-off firearm is no longer classified as dangerous ordnance, so the exemption no longer applies. As such, under Ohio law, the owner of a sawed-off firearm 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.”

Firearm approved by ATF

The bill modifies the description of a firearm that is not classified as a dangerous ordnance (see “**Weapons that may be carried concealed**,” for the current law definitions above). The bill provides that any firearm that is approved for sale by the Federal Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) under the Gun Control Act of 1968, but that is found by the ATF not to be regulated under the “National Firearms Act” is not a dangerous ordnance. Under current law, that firearm also must have an overall length of at least 26 inches.⁵⁵

Firearms in vehicles and vessels

Motor vehicles

The bill repeals existing law that prohibits a person from knowingly transporting or having a loaded firearm in a motor vehicle in such a manner that the firearm is accessible to the operator or any passenger without leaving the motor vehicle. Under existing law, repealed by the bill, a violation of this prohibition is a fourth degree felony.⁵⁶ Relatedly, the bill allows for a loaded firearm to be carried in a motor vehicle so long as the person carrying the firearm may lawfully possess that firearm under Ohio or federal law. Existing law only allows such a firearm to be transported in a vehicle if the firearm is carried in a specified manner.⁵⁷

⁵² 26 U.S.C. 5845(a)(1) to (4).

⁵³ 26 U.S.C. 5841.

⁵⁴ R.C. 2923.17(C)(5).

⁵⁵ R.C. 2923.11(K)(7).

⁵⁶ R.C. 2923.16(B), (F)(4), (5), and (6), (G), (H)(2)(b), (K)(5) and (6), repealed with cross references updated in R.C. 2923.128(A)(2), 2953.35(A), and 4511.19(L).

⁵⁷ R.C. 2923.16(B).

Vessels

The bill also repeals existing law that prohibits a person from knowingly transporting or having a loaded firearm in a vessel in a manner that the firearm is accessible to the operator or any passengers. Relatedly, the bill repeals another prohibition to allow for a loaded firearm to be carried in a vessel without requirements for the manner in which the firearm is carried.⁵⁸ Under existing law, repealed by the bill, a violation of one of the above prohibitions is a fourth degree misdemeanor.⁵⁹

State preemption of firearms regulation

The bill expands state preemption of firearms regulation to include deadly weapons and firearm accessories and attachments. Under current law, state preemption of firearms regulation only includes firearms, their components, and their ammunition.

The expansion of state preemption applies to both of the following:⁶⁰

- The General Assembly's need to regulate the ownership, possession, purchase, other acquisition, transport, storage, carrying, sale, other transfer, manufacture, taxation, keeping, and reporting of loss or theft of deadly weapons, including firearms and their components, accessories, attachments, and ammunition, and knives.
- Except as otherwise provided by the United States Constitution, the Ohio Constitution, state law, or federal law, the right of a person, without further license, permission, restriction, delay, or process, including by any ordinance, rule, regulation, resolution, practice, or other action or threat of citation, prosecution, or other legal process, to own, possess, purchase, acquire, transport, store, carry, sell, transfer, manufacture, keep, or legitimately use deadly weapons, including firearms and their components, accessories, attachments, and ammunition, and any knife, without being required to have firearm liability insurance and without being required to pay a fee for the possession of the deadly weapon, including any firearm, part of a firearm, and its components, accessories, attachments, and ammunition, or any knife.

Under current law, certain zoning ordinances are exempt from state preemption. The expansion of state preemption also applies to those exempt zoning ordinances as follows:⁶¹

- A zoning ordinance that regulates or prohibits the commercial sale of deadly weapons, including firearms, and their components, accessories, attachments, or ammunition, or knives, in areas zoned for residential or agricultural use.

⁵⁸ R.C. 1547.69(C), (D), (E), (H)(2), and (J), repealed, and R.C. 1547.69(C), as amended with cross references updated in R.C. 2923.1213(C).

⁵⁹ R.C. 1547.99, not in the bill.

⁶⁰ R.C. 9.68(A) and (C).

⁶¹ R.C. 9.68(D).

- A zoning ordinance that specifies the hours of operation or the geographic areas where the commercial sale of deadly weapons, including firearms, and their components, accessories, attachments, or their ammunition, or knives, may occur, provided that the zoning ordinance is consistent with zoning ordinances for other retail establishments in the same geographic area and does not result in a de facto prohibition of the commercial sale of deadly weapons, including firearms, and their components, accessories, attachments, or ammunition, or knives, in areas zoned for commercial retail or industrial uses.

The bill applies the state preemption provisions to the possession, transporting, or carrying of deadly weapons, including firearms and their components, accessories, attachments, and ammunition, or knives, including the possession, transporting, or carrying, openly or concealed, on the person's person or concealed ready at hand, of deadly weapons, including firearms and their components, accessories, attachments, and ammunition, or knives.⁶²

Under the bill, “**firearm liability insurance**” means a policy of liability insurance covering losses resulting from the use of a deadly weapon, including firearms and their components, accessories, attachments, or ammunition, owned by the person covered by the policy.⁶³

Severability

The bill specifies that if any provision of a section of the act or the application thereof to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of the section or related sections that can be given without the invalid provision or application, and to this end the provisions are severable.⁶⁴

HISTORY

Action	Date
Introduced	03-23-26

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⁶² R.C. 9.68(C)(1).

⁶³ R.C. 9.68(C)(6).

⁶⁴ Section 4.