

As Introduced

**132nd General Assembly
Regular Session
2017-2018**

H. B. No. 153

Representative Patmon

A BILL

To enact sections 2923.51, 2923.52, 2923.53, 1
2923.54, and 2923.55 of the Revised Code to 2
generally ban the manufacture, sale, alteration, 3
and public display of imitation firearms and the 4
disguising of a firearm to make it resemble an 5
imitation firearm. 6

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

Section 1. That sections 2923.51, 2923.52, 2923.53, 7
2923.54, and 2923.55 of the Revised Code be enacted to read as 8
follows: 9

Sec. 2923.51. As used in sections 2923.51 to 2923.55 of 10
the Revised Code: 11

(A) "BB device" means any instrument that expels a 12
projectile, such as a BB or a pellet, through the force of air 13
pressure, gas pressure, or spring action, including any airsoft 14
gun and any spot marker or paintball gun. 15

(B) "Imitation firearm" means any BB device, replica of a 16
firearm, or other device that is so substantially similar in 17
overall appearance to an existing firearm as to lead a 18
reasonable person to perceive that the device is a firearm, 19

regardless of the color of the BB device, replica, or other 20
device. 21

(C) "Public place" means an area open to the public, 22
including any of the following: 23

(1) A street, alley, sidewalk, driveway, or parking lot; 24

(2) A bridge; 25

(3) A plaza or park; 26

(4) A front yard; 27

(5) A motor vehicle, as defined in section 4511.01 of the 28
Revised Code, whether moving or not; 29

(6) A building open to the general public, including one 30
that serves food or drink or that provides entertainment; 31

(7) A doorway or entrance to a building or dwelling; 32

(8) A school operated by a board of education or a 33
community school established under Chapter 3314. of the Revised 34
Code; 35

(9) Any premises owned or leased by a public or private 36
college, university, or other institution of higher education. 37

(D) "Firearm" and "handgun" have the same meanings as in 38
section 2923.11 of the Revised Code. 39

Sec. 2923.52. (A) No person shall knowingly manufacture an 40
imitation firearm in this state on or after December 19, 2018. 41

(B) No person shall knowingly sell an imitation firearm in 42
this state on or after December 19, 2018. 43

(C) (1) Whoever violates division (A) of this section is 44
guilty of illegal manufacture of an imitation firearm, a 45

misdemeanor of the first degree. 46

(2) Whoever violates division (B) of this section is 47
guilty of illegal sale of an imitation firearm, a misdemeanor of 48
the first degree. 49

(D) Division (A) of this section does not apply to the 50
manufacture, and division (B) of this section does not apply to 51
the sale, of any of the following: 52

(1) A nonfiring collector's replica that is historically 53
significant and is offered for sale in conjunction with a wall 54
plaque or presentation case; 55

(2) A BB device that is a spot marker gun that expels a 56
projectile that is greater than 10mm caliber; 57

(3) A BB device that expels a projectile, such as a BB or 58
pellet, that is other than 6mm or 8mm caliber; 59

(4) A BB device that is an airsoft gun that expels a 60
projectile, such as a BB or pellet, that is 6mm or 8mm caliber, 61
if the device complies with the requirements of federal law; 62

(5) An imitation firearm that contains, or has affixed to 63
it, a marking that complies with the requirements of federal law 64
that apply to that imitation firearm. 65

(E) Division (A) of this section does not apply to the 66
manufacture, and division (B) of this section does not apply to 67
a sale, of an imitation firearm for any of the following 68
purposes: 69

(1) Solely for export in interstate or foreign commerce; 70

(2) Solely for lawful use as a prop in any theatrical 71
production, including any motion picture, video, television, or 72

<u>stage production;</u>	73
<u>(3) For use in a certified or regulated sporting event or competition;</u>	74 75
<u>(4) For use in any military or civil defense activity or ceremonial activity.</u>	76 77
<u>Sec. 2923.53.</u> (A) <u>No person, on or after December 19, 2018, shall knowingly modify any imitation firearm in a way that makes the imitation firearm look more like a firearm.</u>	78 79 80
(B) <u>No person, on or after December 19, 2018, shall knowingly modify any firearm in a way that makes the firearm look more like an imitation firearm.</u>	81 82 83
(C) (1) <u>Whoever violates division (A) of this section is guilty of alteration of an imitation firearm, a misdemeanor of the first degree.</u>	84 85 86
(2) <u>Whoever violates division (B) of this section is guilty of disguising a firearm as an imitation firearm, a misdemeanor of the first degree.</u>	87 88 89
(D) <u>Division (A) of this section does not apply to a lawful use of an imitation firearm in any theatrical production, including any motion picture, video, television, or stage production.</u>	90 91 92 93
<u>Sec. 2923.54.</u> (A) <u>No person, on or after December 19, 2018, shall knowingly and openly display or expose any imitation firearm in a public place.</u>	94 95 96
(B) <u>Whoever violates division (A) of this section is guilty of illegal public display of an imitation firearm, a misdemeanor of the first degree.</u>	97 98 99

(C) Division (A) of this section does not apply in any of 100
the following circumstances: 101

(1) The imitation firearm is displayed or exposed in the 102
course of commerce, including as a prop in a commercial film or 103
video production, or for service, repair, or restoration of the 104
imitation firearm. 105

(2) The imitation firearm is used as a prop in any 106
theatrical production, including any motion picture, video, 107
television, or stage production. 108

(3) The imitation firearm is used in conjunction with a 109
certified or regulated sporting event or competition. 110

(4) The imitation firearm is used in conjunction with 111
lawful hunting or a lawful pest control activity. 112

(5) The imitation firearm is used or possessed at a 113
certified or regulated public or private shooting range. 114

(6) The imitation firearm is used at a fair, exhibition, 115
exposition, or other similar activity for which a permit has 116
been obtained from a local or state government. 117

(7) The imitation firearm is used in a military, civil 118
defense, or civic activity, including a flag ceremony, color 119
guard, parade, award presentation, historical reenactment, or 120
memorial. 121

(8) The imitation firearm is used for a display that is 122
part of a museum collection. 123

(9) The imitation firearm is used in a parade, ceremony, 124
or other similar activity for which a permit has been obtained 125
from a local or state government. 126

<u>(10) The imitation firearm is displayed on a wall plaque</u>	127
<u>or in a presentation case.</u>	128
<u>(11) The imitation firearm is being used in an area where</u>	129
<u>the discharge of a firearm is lawful.</u>	130
<u>Sec. 2923.55. (A) Any imitation firearm legally</u>	131
<u>manufactured in this state on or after December 19, 2018, shall</u>	132
<u>be accompanied, at the time of offer for sale in this state, by</u>	133
<u>a conspicuous advisory in writing as part of the packaging of</u>	134
<u>the imitation firearm to the effect that all of the following</u>	135
<u>apply:</u>	136
<u>(1) The product may be mistaken for a firearm by law</u>	137
<u>enforcement officers or others.</u>	138
<u>(2) Altering the product to make it look more like a</u>	139
<u>firearm is dangerous and may be a crime.</u>	140
<u>(3) Brandishing or displaying the product in public may</u>	141
<u>cause confusion and may be a crime.</u>	142
<u>(B) To comply with division (A) of this section, the</u>	143
<u>conspicuous advisory may be, but is not required to be, affixed</u>	144
<u>to the imitation firearm.</u>	145
<u>(C) No person shall knowingly fail to comply with division</u>	146
<u>(A) of this section.</u>	147
<u>(D) Whoever violates division (C) of this section is</u>	148
<u>guilty of failure to provide imitation firearm warnings, a</u>	149
<u>misdemeanor of the first degree.</u>	150