

As Introduced

133rd General Assembly

Regular Session

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S. B. No. 64

Senator Thomas

Cosponsors: Senators Fedor, Yuko, Antonio, Craig

A BILL

To amend sections 2151.022, 2152.02, 2152.16, 1
2923.21, and 2923.211 of the Revised Code to 2
raise the minimum age to purchase a firearm to 3
age 21 and to increase the penalty for 4
improperly furnishing firearms to an underage 5
person. 6

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

Section 1. That sections 2151.022, 2152.02, 2152.16, 7
2923.21, and 2923.211 of the Revised Code be amended to read as 8
follows: 9

Sec. 2151.022. As used in this chapter, "unruly child" 10
includes any of the following: 11

(A) Any child who does not submit to the reasonable 12
control of the child's parents, teachers, guardian, or 13
custodian, by reason of being wayward or habitually disobedient; 14

(B) Any child who is an habitual truant from school; 15

(C) Any child who behaves in a manner as to injure or 16
endanger the child's own health or morals or the health or 17

morals of others; 18

(D) Any child who violates a law, other than division (C) 19
of section 2907.39, ~~division (A) of section 2923.211,~~ division 20
(C) (1) or (D) of section 2925.55, or section 2151.87 or 2923.211 21
of the Revised Code, that is applicable only to a child. 22

Sec. 2152.02. As used in this chapter: 23

(A) "Act charged" means the act that is identified in a 24
complaint, indictment, or information alleging that a child is a 25
delinquent child. 26

(B) "Admitted to a department of youth services facility" 27
includes admission to a facility operated, or contracted for, by 28
the department and admission to a comparable facility outside 29
this state by another state or the United States. 30

(C) (1) "Child" means a person who is under eighteen years 31
of age, except as otherwise provided in divisions (C) (2) to (8) 32
of this section. 33

(2) Subject to division (C) (3) of this section, any person 34
who violates a federal or state law or a municipal ordinance 35
prior to attaining eighteen years of age shall be deemed a 36
"child" irrespective of that person's age at the time the 37
complaint with respect to that violation is filed or the hearing 38
on the complaint is held. 39

(3) Any person who, while under eighteen years of age, 40
commits an act that would be a felony if committed by an adult 41
and who is not taken into custody or apprehended for that act 42
until after the person attains twenty-one years of age is not a 43
child in relation to that act. 44

(4) Except as otherwise provided in divisions (C) (5) and 45

(7) of this section, any person whose case is transferred for 46
criminal prosecution pursuant to section 2152.12 of the Revised 47
Code shall be deemed after the transfer not to be a child in the 48
transferred case. 49

(5) Any person whose case is transferred for criminal 50
prosecution pursuant to section 2152.12 of the Revised Code and 51
who subsequently is convicted of or pleads guilty to a felony in 52
that case, unless a serious youthful offender dispositional 53
sentence is imposed on the child for that offense under division 54
(B) (2) or (3) of section 2152.121 of the Revised Code and the 55
adult portion of that sentence is not invoked pursuant to 56
section 2152.14 of the Revised Code, and any person who is 57
adjudicated a delinquent child for the commission of an act, who 58
has a serious youthful offender dispositional sentence imposed 59
for the act pursuant to section 2152.13 of the Revised Code, and 60
whose adult portion of the dispositional sentence is invoked 61
pursuant to section 2152.14 of the Revised Code, shall be deemed 62
after the conviction, plea, or invocation not to be a child in 63
any case in which a complaint is filed against the person. 64

(6) The juvenile court has jurisdiction over a person who 65
is adjudicated a delinquent child or juvenile traffic offender 66
prior to attaining eighteen years of age until the person 67
attains twenty-one years of age, and, for purposes of that 68
jurisdiction related to that adjudication, except as otherwise 69
provided in this division, a person who is so adjudicated a 70
delinquent child or juvenile traffic offender shall be deemed a 71
"child" until the person attains twenty-one years of age. If a 72
person is so adjudicated a delinquent child or juvenile traffic 73
offender and the court makes a disposition of the person under 74
this chapter, at any time after the person attains twenty-one 75
years of age, the places at which the person may be held under 76

that disposition are not limited to places authorized under this 77
chapter solely for confinement of children, and the person may 78
be confined under that disposition, in accordance with division 79
(F) (2) of section 2152.26 of the Revised Code, in places other 80
than those authorized under this chapter solely for confinement 81
of children. 82

(7) The juvenile court has jurisdiction over any person 83
whose case is transferred for criminal prosecution solely for 84
the purpose of detaining the person as authorized in division 85
(F) (1) or (4) of section 2152.26 of the Revised Code unless the 86
person is convicted of or pleads guilty to a felony in the adult 87
court. 88

(8) Any person who, while eighteen years of age, violates 89
division (A) (1) or (2) of section 2919.27 of the Revised Code by 90
violating a protection order issued or consent agreement 91
approved under section 2151.34 or 3113.31 of the Revised Code 92
shall be considered a child for the purposes of that violation 93
of section 2919.27 of the Revised Code. 94

(D) "Community corrections facility," "public safety 95
beds," "release authority," and "supervised release" have the 96
same meanings as in section 5139.01 of the Revised Code. 97

(E) "Delinquent child" includes any of the following: 98

(1) Any child, except a juvenile traffic offender, who 99
violates any law of this state or the United States, or any 100
ordinance of a political subdivision of the state, that would be 101
an offense if committed by an adult; 102

(2) Any child who violates any lawful order of the court 103
made under this chapter, including a child who violates a court 104
order regarding the child's prior adjudication as an unruly 105

child for being an habitual truant;	106
(3) Any child who violates any lawful order of the court made under Chapter 2151. of the Revised Code other than an order issued under section 2151.87 of the Revised Code;	107 108 109
(4) Any child who violates division (C) of section 2907.39, division (A) of section 2923.211, or division (C) (1) or (D) of section 2925.55, <u>or section 2923.211</u> of the Revised Code.	110 111 112
(F) "Discretionary serious youthful offender" means a person who is eligible for a discretionary SYO and who is not transferred to adult court under a mandatory or discretionary transfer.	113 114 115 116
(G) "Discretionary SYO" means a case in which the juvenile court, in the juvenile court's discretion, may impose a serious youthful offender disposition under section 2152.13 of the Revised Code.	117 118 119 120
(H) "Discretionary transfer" means that the juvenile court has discretion to transfer a case for criminal prosecution under division (B) of section 2152.12 of the Revised Code.	121 122 123
(I) "Drug abuse offense," "felony drug abuse offense," and "minor drug possession offense" have the same meanings as in section 2925.01 of the Revised Code.	124 125 126
(J) "Electronic monitoring" and "electronic monitoring device" have the same meanings as in section 2929.01 of the Revised Code.	127 128 129
(K) "Economic loss" means any economic detriment suffered by a victim of a delinquent act or juvenile traffic offense as a direct and proximate result of the delinquent act or juvenile traffic offense and includes any loss of income due to lost time	130 131 132 133

at work because of any injury caused to the victim and any 134
property loss, medical cost, or funeral expense incurred as a 135
result of the delinquent act or juvenile traffic offense. 136
"Economic loss" does not include non-economic loss or any 137
punitive or exemplary damages. 138

(L) "Firearm" has the same meaning as in section 2923.11 139
of the Revised Code. 140

(M) "Intellectual disability" has the same meaning as in 141
section 5123.01 of the Revised Code. 142

(N) "Juvenile traffic offender" means any child who 143
violates any traffic law, traffic ordinance, or traffic 144
regulation of this state, the United States, or any political 145
subdivision of this state, other than a resolution, ordinance, 146
or regulation of a political subdivision of this state the 147
violation of which is required to be handled by a parking 148
violations bureau or a joint parking violations bureau pursuant 149
to Chapter 4521. of the Revised Code. 150

(O) A "legitimate excuse for absence from the public 151
school the child is supposed to attend" has the same meaning as 152
in section 2151.011 of the Revised Code. 153

(P) "Mandatory serious youthful offender" means a person 154
who is eligible for a mandatory SYO and who is not transferred 155
to adult court under a mandatory or discretionary transfer and 156
also includes, for purposes of imposition of a mandatory serious 157
youthful dispositional sentence under section 2152.13 of the 158
Revised Code, a person upon whom a juvenile court is required to 159
impose such a sentence under division (B) (3) of section 2152.121 160
of the Revised Code. 161

(Q) "Mandatory SYO" means a case in which the juvenile 162

court is required to impose a mandatory serious youthful offender disposition under section 2152.13 of the Revised Code.	163 164
(R) "Mandatory transfer" means that a case is required to be transferred for criminal prosecution under division (A) of section 2152.12 of the Revised Code.	165 166 167
(S) "Mental illness" has the same meaning as in section 5122.01 of the Revised Code.	168 169
(T) "Monitored time" and "repeat violent offender" have the same meanings as in section 2929.01 of the Revised Code.	170 171
(U) "Of compulsory school age" has the same meaning as in section 3321.01 of the Revised Code.	172 173
(V) "Public record" has the same meaning as in section 149.43 of the Revised Code.	174 175
(W) "Serious youthful offender" means a person who is eligible for a mandatory SYO or discretionary SYO but who is not transferred to adult court under a mandatory or discretionary transfer and also includes, for purposes of imposition of a mandatory serious youthful dispositional sentence under section 2152.13 of the Revised Code, a person upon whom a juvenile court is required to impose such a sentence under division (B) (3) of section 2152.121 of the Revised Code.	176 177 178 179 180 181 182 183
(X) "Sexually oriented offense," "juvenile offender registrant," "child-victim oriented offense," "tier I sex offender/child-victim offender," "tier II sex offender/child-victim offender," "tier III sex offender/child-victim offender," and "public registry-qualified juvenile offender registrant" have the same meanings as in section 2950.01 of the Revised Code.	184 185 186 187 188 189 190

(Y) "Traditional juvenile" means a case that is not 191
transferred to adult court under a mandatory or discretionary 192
transfer, that is eligible for a disposition under sections 193
2152.16, 2152.17, 2152.19, and 2152.20 of the Revised Code, and 194
that is not eligible for a disposition under section 2152.13 of 195
the Revised Code. 196

(Z) "Transfer" means the transfer for criminal prosecution 197
of a case involving the alleged commission by a child of an act 198
that would be an offense if committed by an adult from the 199
juvenile court to the appropriate court that has jurisdiction of 200
the offense. 201

(AA) "Category one offense" means any of the following: 202

(1) A violation of section 2903.01 or 2903.02 of the 203
Revised Code; 204

(2) A violation of section 2923.02 of the Revised Code 205
involving an attempt to commit aggravated murder or murder. 206

(BB) "Category two offense" means any of the following: 207

(1) A violation of section 2903.03, 2905.01, 2907.02, 208
2909.02, 2911.01, or 2911.11 of the Revised Code; 209

(2) A violation of section 2903.04 of the Revised Code 210
that is a felony of the first degree; 211

(3) A violation of section 2907.12 of the Revised Code as 212
it existed prior to September 3, 1996. 213

(CC) "Non-economic loss" means nonpecuniary harm suffered 214
by a victim of a delinquent act or juvenile traffic offense as a 215
result of or related to the delinquent act or juvenile traffic 216
offense, including, but not limited to, pain and suffering; loss 217
of society, consortium, companionship, care, assistance, 218

attention, protection, advice, guidance, counsel, instruction, 219
training, or education; mental anguish; and any other intangible 220
loss. 221

Sec. 2152.16. (A) (1) If a child is adjudicated a 222
delinquent child for committing an act that would be a felony if 223
committed by an adult, the juvenile court may commit the child 224
to the legal custody of the department of youth services for 225
secure confinement as follows: 226

(a) For an act that would be aggravated murder or murder 227
if committed by an adult, until the offender attains twenty-one 228
years of age; 229

(b) For a violation of section 2923.02 of the Revised Code 230
that involves an attempt to commit an act that would be 231
aggravated murder or murder if committed by an adult, a minimum 232
period of six to seven years as prescribed by the court and a 233
maximum period not to exceed the child's attainment of twenty- 234
one years of age; 235

(c) For a violation of section 2903.03, 2905.01, 2909.02, 236
or 2911.01 or division (A) of section 2903.04 of the Revised 237
Code or for a violation of any provision of section 2907.02 of 238
the Revised Code other than division (A) (1) (b) of that section 239
when the sexual conduct or insertion involved was consensual and 240
when the victim of the violation of division (A) (1) (b) of that 241
section was older than the delinquent child, was the same age as 242
the delinquent child, or was less than three years younger than 243
the delinquent child, for an indefinite term consisting of a 244
minimum period of one to three years, as prescribed by the 245
court, and a maximum period not to exceed the child's attainment 246
of twenty-one years of age; 247

(d) If the child is adjudicated a delinquent child for 248
committing an act that is not described in division (A) (1) (b) or 249
(c) of this section and that would be a felony of the first or 250
second degree if committed by an adult, for an indefinite term 251
consisting of a minimum period of one year and a maximum period 252
not to exceed the child's attainment of twenty-one years of age. 253

(e) For committing an act that would be a felony of the 254
third, fourth, or fifth degree if committed by an adult or for a 255
violation of ~~division (A) of~~ section 2923.211 of the Revised 256
Code, for an indefinite term consisting of a minimum period of 257
six months and a maximum period not to exceed the child's 258
attainment of twenty-one years of age. 259

(2) In each case in which a court makes a disposition 260
under this section, the court retains control over the 261
commitment for the minimum period specified by the court in 262
divisions (A) (1) (a) to (e) of this section. During the minimum 263
period, the department of youth services shall not move the 264
child to a nonsecure setting without the permission of the court 265
that imposed the disposition. 266

(B) (1) Subject to division (B) (2) of this section, if a 267
delinquent child is committed to the department of youth 268
services under this section, the department may release the 269
child at any time after the minimum period specified by the 270
court in division (A) (1) of this section ends. 271

(2) A commitment under this section is subject to a 272
supervised release or to a discharge of the child from the 273
custody of the department for medical reasons pursuant to 274
section 5139.54 of the Revised Code, but, during the minimum 275
period specified by the court in division (A) (1) of this 276
section, the department shall obtain court approval of a 277

supervised release or discharge under that section. 278

(C) If a child is adjudicated a delinquent child, at the 279
dispositional hearing and prior to making any disposition 280
pursuant to this section, the court shall determine whether the 281
delinquent child previously has been adjudicated a delinquent 282
child for a violation of a law or ordinance. If the delinquent 283
child previously has been adjudicated a delinquent child for a 284
violation of a law or ordinance, the court, for purposes of 285
entering an order of disposition of the delinquent child under 286
this section, shall consider the previous delinquent child 287
adjudication as a conviction of a violation of the law or 288
ordinance in determining the degree of the offense the current 289
act would be had it been committed by an adult. This division 290
also shall apply in relation to the imposition of any financial 291
sanction under section 2152.19 of the Revised Code. 292

Sec. 2923.21. (A) No person shall do any of the following: 293

~~(1) Sell any firearm to a person who is under eighteen-~~ 294
~~years of age;~~ 295

~~(2) Subject to division (B) of this section, sell any~~ 296
~~handgun firearm to a person who is under twenty-one years of~~ 297
~~age;~~ 298

~~(3) Furnish any firearm to a person who is under eighteen-~~ 299
~~years of age or, subject~~ (2) Subject to division (B) of this 300
section, furnish any handgun firearm to a person who is under 301
twenty-one years of age, except for lawful hunting, sporting, or 302
educational purposes, including, but not limited to, instruction 303
in firearms or handgun safety, care, handling, or marksmanship 304
under the supervision or control of a responsible adult; 305

~~(4) Sell or furnish a firearm to a person who is eighteen-~~ 306

~~years of age or older if the seller or furnisher knows, or has
reason to know, that the person is purchasing or receiving the
firearm for the purpose of selling the firearm in violation of
division (A) (1) of this section to a person who is under
eighteen years of age or for the purpose of furnishing the
firearm in violation of division (A) (3) of this section to a
person who is under eighteen years of age;~~

~~(5) (3) Sell or furnish a handgun-firearm to a person who
is twenty-one years of age or older if the seller or furnisher
knows, or has reason to know, that the person is purchasing or
receiving the handgun-firearm for the purpose of selling the
handgun-firearm in violation of division (A) ~~(2)~~ (1) of this
section to a person who is under twenty-one years of age or for
the purpose of furnishing the handgun-firearm in violation of
division (A) ~~(3)~~ (2) of this section to a person who is under
twenty-one years of age;~~

~~(6) Purchase or attempt to purchase any firearm with the
intent to sell the firearm in violation of division (A) (1) of
this section to a person who is under eighteen years of age or
with the intent to furnish the firearm in violation of division
(A) (3) of this section to a person who is under eighteen years
of age;~~

~~(7) (4) Purchase or attempt to purchase any handgun-
firearm with the intent to sell the handgun-firearm in violation
of division (A) ~~(2)~~ (1) of this section to a person who is under
twenty-one years of age or with the intent to furnish the
handgun-firearm in violation of division (A) ~~(3)~~ (2) of this
section to a person who is under twenty-one years of age.~~

(B) Divisions (A) (1) and (2) of this section do not apply
to the sale or furnishing of a handgun-firearm to a person

eighteen years of age or older and under twenty-one years of age 337
if the person eighteen years of age or older and under twenty- 338
one years of age is a law enforcement officer who is properly 339
appointed or employed as a law enforcement officer and has 340
received firearms training approved by the Ohio peace officer 341
training council or equivalent firearms training. Divisions (A) 342
(1) and (2) of this section do not apply to the sale or 343
furnishing of a ~~handgun~~ firearm to an active duty member of the 344
armed forces of the United States who has received firearms 345
training that meets or exceeds the training requirements 346
described in division (G) (1) of section 2923.125 of the Revised 347
Code. 348

(C) Whoever violates this section is guilty of improperly 349
furnishing firearms to ~~a minor~~ an underage person, a felony of 350
the ~~fifth~~ third degree. 351

Sec. 2923.211. (A) No person under ~~eighteen~~ twenty-one 352
years of age shall purchase or attempt to purchase a firearm. 353

~~(B) No person under twenty-one years of age shall purchase~~ 354
~~or attempt to purchase a handgun~~, provided that this division 355
does not apply to the purchase or attempted purchase of a 356
~~handgun~~ firearm by a person eighteen years of age or older and 357
under twenty-one years of age if either of the following apply: 358

(1) The person is a law enforcement officer who is 359
properly appointed or employed as a law enforcement officer and 360
has received firearms training approved by the Ohio peace 361
officer training council or equivalent firearms training. 362

(2) The person is an active or reserve member of the armed 363
services of the United States or the Ohio national guard, or was 364
honorably discharged from military service in the active or 365

reserve armed services of the United States or the Ohio national 366
guard, and the person has received firearms training from the 367
armed services or the national guard or equivalent firearms 368
training. 369

~~(C)~~ (B) Whoever violates ~~division (A) of this section is~~ 370
guilty of underage purchase of a firearm~~7~~. If the offender is 371
under eighteen years of age, underage purchase of a firearm is a 372
delinquent act that would be a felony of the fourth degree if it 373
could be committed by an adult. ~~Whoever violates division (B) of~~ 374
~~this section is guilty of~~ If the offender is eighteen years of 375
age or older but under twenty-one years of age, underage 376
purchase of a ~~handgun,~~ firearm is a misdemeanor of the second 377
degree. 378

Section 2. That existing sections 2151.022, 2152.02, 379
2152.16, 2923.21, and 2923.211 of the Revised Code are hereby 380
repealed. 381