

As Introduced

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H. B. No. 309

Representatives Thomas, C., Baker

**Cosponsors: Representatives Isaacsohn, Grim, Galonski, Brent, McNally,
Brennan, Forhan, Robinson, Somani, Liston, Miranda, Weinstein, Lightbody,
Abdullahi, Jarrells, Miller, J., Blackshear, Mohamed**

A BILL

To amend section 2923.11 and to enact section 1
2923.26 of the Revised Code to prohibit a 2
federally licensed firearms dealer from 3
transferring a firearm until at least ten days 4
have elapsed since the dealer has contacted the 5
national instant criminal background check 6
system and the dealer has received a unique 7
identification number. 8

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

Section 1. That section 2923.11 be amended and section 9
2923.26 of the Revised Code be enacted to read as follows: 10

Sec. 2923.11. As used in sections 2923.11 to 2923.24 and 11
2923.26 of the Revised Code: 12

(A) "Deadly weapon" means any instrument, device, or thing 13
capable of inflicting death, and designed or specially adapted 14
for use as a weapon, or possessed, carried, or used as a weapon. 15

(B) (1) "Firearm" means any deadly weapon capable of 16

expelling or propelling one or more projectiles by the action of 17
an explosive or combustible propellant. "Firearm" includes an 18
unloaded firearm, and any firearm that is inoperable but that 19
can readily be rendered operable. 20

(2) When determining whether a firearm is capable of 21
expelling or propelling one or more projectiles by the action of 22
an explosive or combustible propellant, the trier of fact may 23
rely upon circumstantial evidence, including, but not limited 24
to, the representations and actions of the individual exercising 25
control over the firearm. 26

(C) "Handgun" means any of the following: 27

(1) Any firearm that has a short stock and is designed to 28
be held and fired by the use of a single hand; 29

(2) Any combination of parts from which a firearm of a 30
type described in division (C) (1) of this section can be 31
assembled. 32

(D) "Semi-automatic firearm" means any firearm designed or 33
specially adapted to fire a single cartridge and automatically 34
chamber a succeeding cartridge ready to fire, with a single 35
function of the trigger. 36

(E) "Automatic firearm" means any firearm designed or 37
specially adapted to fire a succession of cartridges with a 38
single function of the trigger. 39

(F) "Sawed-off firearm" means a shotgun with a barrel less 40
than eighteen inches long, or a rifle with a barrel less than 41
sixteen inches long, or a shotgun or rifle less than twenty-six 42
inches long overall. "Sawed-off firearm" does not include any 43
firearm with an overall length of at least twenty-six inches 44
that is approved for sale by the federal bureau of alcohol, 45

tobacco, firearms, and explosives under the "Gun Control Act of 46
1968," 82 Stat. 1213, 18 U.S.C. 921(a)(3), but that is found by 47
the bureau not to be regulated under the "National Firearms 48
Act," 68A Stat. 725 (1934), 26 U.S.C. 5845(a). 49

(G) "Zip-gun" means any of the following: 50

(1) Any firearm of crude and extemporized manufacture; 51

(2) Any device, including without limitation a starter's 52
pistol, that is not designed as a firearm, but that is specially 53
adapted for use as a firearm; 54

(3) Any industrial tool, signalling device, or safety 55
device, that is not designed as a firearm, but that as designed 56
is capable of use as such, when possessed, carried, or used as a 57
firearm. 58

(H) "Explosive device" means any device designed or 59
specially adapted to cause physical harm to persons or property 60
by means of an explosion, and consisting of an explosive 61
substance or agency and a means to detonate it. "Explosive 62
device" includes without limitation any bomb, any explosive 63
demolition device, any blasting cap or detonator containing an 64
explosive charge, and any pressure vessel that has been 65
knowingly tampered with or arranged so as to explode. 66

(I) "Incendiary device" means any firebomb, and any device 67
designed or specially adapted to cause physical harm to persons 68
or property by means of fire, and consisting of an incendiary 69
substance or agency and a means to ignite it. 70

(J) "Ballistic knife" means a knife with a detachable 71
blade that is propelled by a spring-operated mechanism. 72

(K) "Dangerous ordnance" means any of the following, 73

except as provided in division (L) of this section: 74

(1) Any automatic or sawed-off firearm, zip-gun, or 75
ballistic knife; 76

(2) Any explosive device or incendiary device; 77

(3) Nitroglycerin, nitrocellulose, nitrostarch, PETN, 78
cyclonite, TNT, picric acid, and other high explosives; amatol, 79
tritonite, tetrytol, pentolite, pectretol, cyclotol, and other 80
high explosive compositions; plastic explosives; dynamite, 81
blasting gelatin, gelatin dynamite, sensitized ammonium nitrate, 82
liquid-oxygen blasting explosives, blasting powder, and other 83
blasting agents; and any other explosive substance having 84
sufficient brisance or power to be particularly suitable for use 85
as a military explosive, or for use in mining, quarrying, 86
excavating, or demolitions; 87

(4) Any firearm, rocket launcher, mortar, artillery piece, 88
grenade, mine, bomb, torpedo, or similar weapon, designed and 89
manufactured for military purposes, and the ammunition for that 90
weapon; 91

(5) Any firearm muffler or suppressor; 92

(6) Any combination of parts that is intended by the owner 93
for use in converting any firearm or other device into a 94
dangerous ordnance. 95

(L) "Dangerous ordnance" does not include any of the 96
following: 97

(1) Any firearm, including a military weapon and the 98
ammunition for that weapon, and regardless of its actual age, 99
that employs a percussion cap or other obsolete ignition system, 100
or that is designed and safe for use only with black powder; 101

(2) Any pistol, rifle, or shotgun, designed or suitable 102
for sporting purposes, including a military weapon as issued or 103
as modified, and the ammunition for that weapon, unless the 104
firearm is an automatic or sawed-off firearm; 105

(3) Any cannon or other artillery piece that, regardless 106
of its actual age, is of a type in accepted use prior to 1887, 107
has no mechanical, hydraulic, pneumatic, or other system for 108
absorbing recoil and returning the tube into battery without 109
displacing the carriage, and is designed and safe for use only 110
with black powder; 111

(4) Black powder, priming quills, and percussion caps 112
possessed and lawfully used to fire a cannon of a type defined 113
in division (L) (3) of this section during displays, 114
celebrations, organized matches or shoots, and target practice, 115
and smokeless and black powder, primers, and percussion caps 116
possessed and lawfully used as a propellant or ignition device 117
in small-arms or small-arms ammunition; 118

(5) Dangerous ordnance that is inoperable or inert and 119
cannot readily be rendered operable or activated, and that is 120
kept as a trophy, souvenir, curio, or museum piece; 121

(6) Any device that is expressly excepted from the 122
definition of a destructive device pursuant to the "Gun Control 123
Act of 1968," 82 Stat. 1213, 18 U.S.C. 921(a) (4), as amended, 124
and regulations issued under that act; 125

(7) Any firearm with an overall length of at least twenty- 126
six inches that is approved for sale by the federal bureau of 127
alcohol, tobacco, firearms, and explosives under the "Gun 128
Control Act of 1968," 82 Stat. 1213, 18 U.S.C. 921(a) (3), but 129
that is found by the bureau not to be regulated under the 130

"National Firearms Act," 68A Stat. 725 (1934), 26 U.S.C. 131
5845(a). 132

(M) "Explosive" means any chemical compound, mixture, or 133
device, the primary or common purpose of which is to function by 134
explosion. "Explosive" includes all materials that have been 135
classified as division 1.1, division 1.2, division 1.3, or 136
division 1.4 explosives by the United States department of 137
transportation in its regulations and includes, but is not 138
limited to, dynamite, black powder, pellet powders, initiating 139
explosives, blasting caps, electric blasting caps, safety fuses, 140
fuse igniters, squibs, cordeau detonant fuses, instantaneous 141
fuses, and igniter cords and igniters. "Explosive" does not 142
include "fireworks," as defined in section 3743.01 of the 143
Revised Code, or any substance or material otherwise meeting the 144
definition of explosive set forth in this section that is 145
manufactured, sold, possessed, transported, stored, or used in 146
any activity described in section 3743.80 of the Revised Code, 147
provided the activity is conducted in accordance with all 148
applicable laws, rules, and regulations, including, but not 149
limited to, the provisions of section 3743.80 of the Revised 150
Code and the rules of the fire marshal adopted pursuant to 151
section 3737.82 of the Revised Code. 152

(N) (1) "Concealed handgun license" or "license to carry a 153
concealed handgun" means, subject to division (N) (2) of this 154
section, a license or temporary emergency license to carry a 155
concealed handgun issued under section 2923.125 or 2923.1213 of 156
the Revised Code or a license to carry a concealed handgun 157
issued by another state with which the attorney general has 158
entered into a reciprocity agreement under section 109.69 of the 159
Revised Code. 160

(2) A reference in any provision of the Revised Code to a
concealed handgun license issued under section 2923.125 of the
Revised Code or a license to carry a concealed handgun issued
under section 2923.125 of the Revised Code means only a license
of the type that is specified in that section. A reference in
any provision of the Revised Code to a concealed handgun license
issued under section 2923.1213 of the Revised Code, a license to
carry a concealed handgun issued under section 2923.1213 of the
Revised Code, or a license to carry a concealed handgun on a
temporary emergency basis means only a license of the type that
is specified in section 2923.1213 of the Revised Code. A
reference in any provision of the Revised Code to a concealed
handgun license issued by another state or a license to carry a
concealed handgun issued by another state means only a license
issued by another state with which the attorney general has
entered into a reciprocity agreement under section 109.69 of the
Revised Code.

(O) "Valid concealed handgun license" or "valid license to
carry a concealed handgun" means a concealed handgun license
that is currently valid, that is not under a suspension under
division (A) (1) of section 2923.128 of the Revised Code, under
section 2923.1213 of the Revised Code, or under a suspension
provision of the state other than this state in which the
license was issued, and that has not been revoked under division
(B) (1) of section 2923.128 of the Revised Code, under section
2923.1213 of the Revised Code, or under a revocation provision
of the state other than this state in which the license was
issued.

(P) "Misdemeanor punishable by imprisonment for a term
exceeding one year" does not include any of the following:

(1) Any federal or state offense pertaining to antitrust violations, unfair trade practices, restraints of trade, or other similar offenses relating to the regulation of business practices;

(2) Any misdemeanor offense punishable by a term of imprisonment of two years or less.

(Q) "Alien registration number" means the number issued by the United States citizenship and immigration services agency that is located on the alien's permanent resident card and may also be commonly referred to as the "USCIS number" or the "alien number."

(R) "Active duty" has the same meaning as defined in 10 U.S.C. 101.

Sec. 2923.26. (A) As used in this section, "federally licensed firearms dealer" has the same meaning as in section 5502.63 of the Revised Code.

(B) Notwithstanding 18 U.S.C. 922(t), no federally licensed firearms dealer shall transfer a firearm to any person unless ten days or more have elapsed since the federally licensed firearms dealer has contacted the national instant criminal background check system, and the national instant criminal background check system has provided the federally licensed firearms dealer with a unique identification number.

(C) Notwithstanding any federal or state law to the contrary, a person who has a license or permit to carry firearms is subject to the provisions in this section.

Section 2. That existing section 2923.11 of the Revised Code is hereby repealed.