### As Introduced

**135th General Assembly** 

# Regular Session 2023-2024

H. B. No. 417

**Representatives Grim, Abdullahi** 

Cosponsors: Representatives Miranda, McNally, Piccolantonio, Thomas, C., Upchurch, Russo, Robinson, Weinstein, Brent, Forhan, Sweeney, Somani, Miller, J., Brown, Rogers, Skindell, Brewer, Isaacsohn, Baker, Brennan, Liston

## A BILL

То	amend sections 2923.13 and 2923.14 of the	1
	Revised Code to enact the Keeping Our Survivors	2
	Safe Act to prohibit a person who is charged	3
	with or has been convicted of first degree	4
	misdemeanor domestic violence from possessing a	5
	firearm or dangerous ordnance.	6

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

Section 1. That sections 2923.13 and 2923.14 of the	7
Revised Code be amended to read as follows:	8
Sec. 2923.13. (A) Unless relieved from disability under	9
operation of law or legal process, no person shall knowingly	10
acquire, have, carry, or use any firearm or dangerous ordnance,	
if any of the following apply:	12
(1) The person is a fugitive from justice.	13
(2) The person is under indictment for or has been	14
convicted of any felony offense of violence or has been	15
adjudicated a delinquent child for the commission of an offense	16

that, if committed by an adult, would have been a felony offense 17 of violence. 18 (3) The person is under indictment for or has been 19 convicted of any felony offense involving the illegal 20 possession, use, sale, administration, distribution, or 21 trafficking in any drug of abuse or has been adjudicated a 22 delinquent child for the commission of an offense that, if 23 committed by an adult, would have been a felony offense 24 involving the illegal possession, use, sale, administration, 25 distribution, or trafficking in any drug of abuse. 26 (4) The person has a drug dependency, is in danger of drug 27 dependence, or has chronic alcoholism. 28 29 (5) The person is under adjudication of mental incompetence, has been committed to a mental institution, has 30 been found by a court to be a person with a mental illness 31 subject to court order, or is an involuntary patient other than 32 one who is a patient only for purposes of observation. As used 33 in this division, "person with a mental illness subject to court 34 order" and "patient" have the same meanings as in section 35 5122.01 of the Revised Code. 36 (6) The person is charged with or has been convicted of a 37 violation of section 2919.25 of the Revised Code that is a 38 misdemeanor of the first degree. 39 (B) Whoever violates this section is guilty of having 40 weapons while under disability, a felony of the third degree. 41

(C) For the purposes of this section, "under operation of
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law or legal process" shall not itself include mere completion,
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termination, or expiration of a sentence imposed as a result of
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a criminal conviction.

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Sec. 2923.14. (A) (1) Except as otherwise provided in 46 division (A) (2) of this section, any person who is prohibited 47 from acquiring, having, carrying, or using firearms may apply to 48 the court of common pleas in the county in which the person 49 resides for relief from such prohibition. 50

(2) Division (A)(1) of this section does not apply to a person who has been convicted of or pleaded guilty to a violation of section 2923.132 of the Revised Code or to a person who, two or more times, has been convicted of or pleaded guilty to a felony and a specification of the type described in section 2941.141, 2941.144, 2941.145, 2941.146, 2941.1412, or 2941.1424 of the Revised Code.

(B) The application shall recite the following:

(1) All indictments, convictions, or adjudications upon 59 which the applicant's disability is based, the sentence imposed 60 and served, and any release granted under a community control 61 sanction, post-release control sanction, or parole, any partial 62 or conditional pardon granted, or other disposition of each 63 case, or, if the disability is based upon a factor other than an 64 indictment, a conviction, or an adjudication, the factor upon 65 which the disability is based and all details related to that 66 factor; 67

(2) Facts showing the applicant to be a fit subject for relief under this section.

(C) A copy of the application shall be served on the
county prosecutor. The county prosecutor shall cause the matter
to be investigated and shall raise before the court any
objections to granting relief that the investigation reveals.

(D) Upon hearing, the court may grant the applicant relief 74

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75 pursuant to this section, if all of the following apply: (1) One of the following applies: 76 77 (a) If the disability is based upon an indictment, a conviction, or an adjudication, the applicant has been fully 78 discharged from imprisonment, community control, post-release 79 control, and parole, or, if the applicant is under indictment, 80 has been released on bail or recognizance. 81 (b) If the disability is based upon a factor other than an 82 indictment, a conviction, or an adjudication, that factor no 83 longer is applicable to the applicant. 84 (2) The applicant has led a law-abiding life since 85 discharge or release, and appears likely to continue to do so. 86 (3) The applicant is not otherwise prohibited by law from 87 acquiring, having, or using firearms. 88 (E) Costs of the proceeding shall be charged as in other 89 civil cases, and taxed to the applicant. 90 (F) Relief from disability granted pursuant to this 91 section restores the applicant to all civil firearm rights to 92 the full extent enjoyed by any citizen, and is subject to the 93 following conditions: 94 (1) Applies only with respect to indictments, convictions, 95 or adjudications, or to the other factor, recited in the 96 application as the basis for the applicant's disability; 97 (2) Applies only with respect to firearms lawfully 98 acquired, possessed, carried, or used by the applicant; 99 (3) May be revoked by the court at any time for good cause 100 shown and upon notice to the applicant; 101

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(4) Is automatically void upon commission by the applicant	102	
of any offense set forth in division (A)(2) <del>or</del> , (3), or (6) of	103	
section 2923.13 of the Revised Code, or upon the applicant's	104	
becoming one of the class of persons named in division (A)(1),	105	
(4), or (5) of that section.		
(G) As used in this section:	107	
(1) "Community control sanction" has the same meaning as	108	
in section 2929.01 of the Revised Code.	109	
(2) "Post-release control" and "post-release control	110	
sanction" have the same meanings as in section 2967.01 of the	111	
Revised Code.		
Section 2. That existing sections 2923.13 and 2923.14 of	113	
the Revised Code are hereby repealed.	114	
Section 3. This act shall be known as the Keeping Our	115	
Survivors Safe Act.		

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