

As Introduced

135th General Assembly

Regular Session

2023-2024

S. B. No. 189

Senators Craig, Sykes

Cosponsors: Senators Hicks-Hudson, Antonio, DeMora

A BILL

To amend sections 5747.08 and 5747.98 and to enact
sections 5747.86 and 5747.87 of the Revised Code
to authorize a nonrefundable income tax credit
for the cost of handgun training and firearms
storage and locking devices.

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

Section 1. That sections 5747.08 and 5747.98 be amended
and sections 5747.86 and 5747.87 of the Revised Code be enacted
to read as follows:

Sec. 5747.08. An annual return with respect to the tax
imposed by section 5747.02 of the Revised Code and each tax
imposed under Chapter 5748. of the Revised Code shall be made by
every taxpayer for any taxable year for which the taxpayer is
liable for the tax imposed by that section or under that
chapter, unless the total credits allowed under division (E) of
section 5747.05 and divisions (F) and (G) of section 5747.055 of
the Revised Code for the year are equal to or exceed the tax
imposed by section 5747.02 of the Revised Code, in which case no
return shall be required unless the taxpayer is liable for a tax

imposed pursuant to Chapter 5748. of the Revised Code. 19

(A) If an individual is deceased, any return or notice 20
required of that individual under this chapter shall be made and 21
filed by that decedent's executor, administrator, or other 22
person charged with the property of that decedent. 23

(B) If an individual is unable to make a return or notice 24
required by this chapter, the return or notice required of that 25
individual shall be made and filed by the individual's duly 26
authorized agent, guardian, conservator, fiduciary, or other 27
person charged with the care of the person or property of that 28
individual. 29

(C) Returns or notices required of an estate or a trust 30
shall be made and filed by the fiduciary of the estate or trust. 31

(D) (1) (a) Except as otherwise provided in division (D) (1) 32
(b) of this section, any pass-through entity may file a single 33
return on behalf of one or more of the entity's investors other 34
than an investor that is a person subject to the tax imposed 35
under section 5733.06 of the Revised Code. The single return 36
shall set forth the name, address, and social security number or 37
other identifying number of each of those pass-through entity 38
investors and shall indicate the distributive share of each of 39
those pass-through entity investor's income taxable in this 40
state in accordance with sections 5747.20 to 5747.231 of the 41
Revised Code. Such pass-through entity investors for whom the 42
pass-through entity elects to file a single return are not 43
entitled to the exemption or credit provided for by sections 44
5747.02 and 5747.022 of the Revised Code; shall calculate the 45
tax before business credits at the highest rate of tax set forth 46
in section 5747.02 of the Revised Code for the taxable year for 47
which the return is filed; and are entitled to only their 48

distributive share of the business credits as defined in 49
division (D) (2) of this section. A single check drawn by the 50
pass-through entity shall accompany the return in full payment 51
of the tax due, as shown on the single return, for such 52
investors, other than investors who are persons subject to the 53
tax imposed under section 5733.06 of the Revised Code. 54

(b) (i) A pass-through entity shall not include in such a 55
single return any investor that is a trust to the extent that 56
any direct or indirect current, future, or contingent 57
beneficiary of the trust is a person subject to the tax imposed 58
under section 5733.06 of the Revised Code. 59

(ii) A pass-through entity shall not include in such a 60
single return any investor that is itself a pass-through entity 61
to the extent that any direct or indirect investor in the second 62
pass-through entity is a person subject to the tax imposed under 63
section 5733.06 of the Revised Code. 64

(c) Except as provided by division (L) of this section, 65
nothing in division (D) of this section precludes the tax 66
commissioner from requiring such investors to file the return 67
and make the payment of taxes and related interest, penalty, and 68
interest penalty required by this section or section 5747.02, 69
5747.09, or 5747.15 of the Revised Code. Nothing in division (D) 70
of this section precludes such an investor from filing the 71
annual return under this section, utilizing the refundable 72
credit equal to the investor's proportionate share of the tax 73
paid by the pass-through entity on behalf of the investor under 74
division (I) of this section, and making the payment of taxes 75
imposed under section 5747.02 of the Revised Code. Nothing in 76
division (D) of this section shall be construed to provide to 77
such an investor or pass-through entity any additional deduction 78

or credit, other than the credit provided by division (I) of 79
this section, solely on account of the entity's filing a return 80
in accordance with this section. Such a pass-through entity also 81
shall make the filing and payment of estimated taxes on behalf 82
of the pass-through entity investors other than an investor that 83
is a person subject to the tax imposed under section 5733.06 of 84
the Revised Code. 85

(2) For the purposes of this section, "business credits" 86
means the credits listed in section 5747.98 of the Revised Code 87
excluding the following credits: 88

(a) The retirement income credit under division (B) of 89
section 5747.055 of the Revised Code; 90

(b) The senior citizen credit under division (F) of 91
section 5747.055 of the Revised Code; 92

(c) The lump sum distribution credit under division (G) of 93
section 5747.055 of the Revised Code; 94

(d) The dependent care credit under section 5747.054 of 95
the Revised Code; 96

(e) The lump sum retirement income credit under division 97
(C) of section 5747.055 of the Revised Code; 98

(f) The lump sum retirement income credit under division 99
(D) of section 5747.055 of the Revised Code; 100

(g) The lump sum retirement income credit under division 101
(E) of section 5747.055 of the Revised Code; 102

(h) The credit for displaced workers who pay for job 103
training under section 5747.27 of the Revised Code; 104

(i) The twenty-dollar personal exemption credit under 105

section 5747.022 of the Revised Code; 106

(j) The joint filing credit under division (E) of section 107
5747.05 of the Revised Code; 108

(k) The nonresident credit under division (A) of section 109
5747.05 of the Revised Code; 110

(l) The credit for a resident's out-of-state income under 111
division (B) of section 5747.05 of the Revised Code; 112

(m) The earned income tax credit under section 5747.71 of 113
the Revised Code; 114

(n) The lead abatement credit under section 5747.26 of the 115
Revised Code; 116

(o) The credit for education expenses under section 117
5747.72 of the Revised Code; 118

(p) The credit for tuition paid to a nonchartered 119
nonpublic school under section 5747.75 of the Revised Code; 120

(q) The handgun training credit under section 5747.86 of 121
the Revised Code; 122

(r) The credit for secure storage or locking device 123
purchases under section 5747.87 of the Revised Code. 124

(3) The election provided for under division (D) of this 125
section applies only to the taxable year for which the election 126
is made by the pass-through entity. Unless the tax commissioner 127
provides otherwise, this election, once made, is binding and 128
irrevocable for the taxable year for which the election is made. 129
Nothing in this division shall be construed to provide for any 130
deduction or credit that would not be allowable if a nonresident 131
pass-through entity investor were to file an annual return. 132

(4) If a pass-through entity makes the election provided 133
for under division (D) of this section, the pass-through entity 134
shall be liable for any additional taxes, interest, interest 135
penalty, or penalties imposed by this chapter if the tax 136
commissioner finds that the single return does not reflect the 137
correct tax due by the pass-through entity investors covered by 138
that return. Nothing in this division shall be construed to 139
limit or alter the liability, if any, imposed on pass-through 140
entity investors for unpaid or underpaid taxes, interest, 141
interest penalty, or penalties as a result of the pass-through 142
entity's making the election provided for under division (D) of 143
this section. For the purposes of division (D) of this section, 144
"correct tax due" means the tax that would have been paid by the 145
pass-through entity had the single return been filed in a manner 146
reflecting the commissioner's findings. Nothing in division (D) 147
of this section shall be construed to make or hold a pass- 148
through entity liable for tax attributable to a pass-through 149
entity investor's income from a source other than the pass- 150
through entity electing to file the single return. 151

(E) If a husband and wife file a joint federal income tax 152
return for a taxable year, they shall file a joint return under 153
this section for that taxable year, and their liabilities are 154
joint and several, but, if the federal income tax liability of 155
either spouse is determined on a separate federal income tax 156
return, they shall file separate returns under this section. 157

If either spouse is not required to file a federal income 158
tax return and either or both are required to file a return 159
pursuant to this chapter, they may elect to file separate or 160
joint returns, and, pursuant to that election, their liabilities 161
are separate or joint and several. If a husband and wife file 162
separate returns pursuant to this chapter, each must claim the 163

taxpayer's own exemption, but not both, as authorized under 164
section 5747.02 of the Revised Code on the taxpayer's own 165
return. 166

(F) Each return or notice required to be filed under this 167
section shall contain the signature of the taxpayer or the 168
taxpayer's duly authorized agent and of the person who prepared 169
the return for the taxpayer, and shall include the taxpayer's 170
social security number. Each return shall be verified by a 171
declaration under the penalties of perjury. The tax commissioner 172
shall prescribe the form that the signature and declaration 173
shall take. 174

(G) Each return or notice required to be filed under this 175
section shall be made and filed as required by section 5747.04 176
of the Revised Code, on or before the fifteenth day of April of 177
each year, on forms that the tax commissioner shall prescribe, 178
together with remittance made payable to the treasurer of state 179
in the combined amount of the state and all school district 180
income taxes shown to be due on the form. 181

Upon good cause shown, the commissioner may extend the 182
period for filing any notice or return required to be filed 183
under this section and may adopt rules relating to extensions. 184
If the extension results in an extension of time for the payment 185
of any state or school district income tax liability with 186
respect to which the return is filed, the taxpayer shall pay at 187
the time the tax liability is paid an amount of interest 188
computed at the rate per annum prescribed by section 5703.47 of 189
the Revised Code on that liability from the time that payment is 190
due without extension to the time of actual payment. Except as 191
provided in section 5747.132 of the Revised Code, in addition to 192
all other interest charges and penalties, all taxes imposed 193

under this chapter or Chapter 5748. of the Revised Code and 194
remaining unpaid after they become due, except combined amounts 195
due of one dollar or less, bear interest at the rate per annum 196
prescribed by section 5703.47 of the Revised Code until paid or 197
until the day an assessment is issued under section 5747.13 of 198
the Revised Code, whichever occurs first. 199

If the commissioner considers it necessary in order to 200
ensure the payment of the tax imposed by section 5747.02 of the 201
Revised Code or any tax imposed under Chapter 5748. of the 202
Revised Code, the commissioner may require returns and payments 203
to be made otherwise than as provided in this section. 204

To the extent that any provision in this division 205
conflicts with any provision in section 5747.026 of the Revised 206
Code, the provision in that section prevails. 207

(H) The amounts withheld pursuant to section 5747.06, 208
5747.062, 5747.063, 5747.064, 5747.065, or 5747.071 of the 209
Revised Code shall be allowed to the ultimate recipient of the 210
income as credits against payment of the appropriate taxes 211
imposed on the ultimate recipient by section 5747.02 and under 212
Chapter 5748. of the Revised Code. As used in this division, 213
"ultimate recipient" means the person who is required to report 214
income from which amounts are withheld pursuant to section 215
5747.06, 5747.062, 5747.063, 5747.064, 5747.065, or 5747.071 of 216
the Revised Code on the annual return required to be filed under 217
this section. 218

(I) If a pass-through entity elects to file a single 219
return under division (D) of this section and if any investor is 220
required to file the annual return and make the payment of taxes 221
required by this chapter on account of the investor's other 222
income that is not included in a single return filed by a pass- 223

through entity or any other investor elects to file the annual 224
return, the investor is entitled to a refundable credit equal to 225
the investor's proportionate share of the tax paid by the pass- 226
through entity on behalf of the investor. The investor shall 227
claim the credit for the investor's taxable year in which or 228
with which ends the taxable year of the pass-through entity. 229
Nothing in this chapter shall be construed to allow any credit 230
provided in this chapter to be claimed more than once. For the 231
purpose of computing any interest, penalty, or interest penalty, 232
the investor shall be deemed to have paid the refundable credit 233
provided by this division on the day that the pass-through 234
entity paid the estimated tax or the tax giving rise to the 235
credit. 236

(J) The tax commissioner shall ensure that each return 237
required to be filed under this section includes a box that the 238
taxpayer may check to authorize a paid tax preparer who prepared 239
the return to communicate with the department of taxation about 240
matters pertaining to the return. The return or instructions 241
accompanying the return shall indicate that by checking the box 242
the taxpayer authorizes the department of taxation to contact 243
the preparer concerning questions that arise during the 244
processing of the return and authorizes the preparer only to 245
provide the department with information that is missing from the 246
return, to contact the department for information about the 247
processing of the return or the status of the taxpayer's refund 248
or payments, and to respond to notices about mathematical 249
errors, offsets, or return preparation that the taxpayer has 250
received from the department and has shown to the preparer. 251

(K) The tax commissioner shall permit individual taxpayers 252
to instruct the department of taxation to cause any refund of 253
overpaid taxes to be deposited directly into a checking account, 254

savings account, or an individual retirement account or 255
individual retirement annuity, or preexisting college savings 256
plan or program account offered by the Ohio tuition trust 257
authority under Chapter 3334. of the Revised Code, as designated 258
by the taxpayer, when the taxpayer files the annual return 259
required by this section electronically. 260

(L) If, for the taxable year, a nonresident or trust that 261
is the owner of an electing pass-through entity, as defined in 262
section 5747.38 of the Revised Code, does not have Ohio adjusted 263
gross income or, in the case of a trust, modified Ohio taxable 264
income other than from one or more electing pass-through 265
entities, the nonresident or trust shall not be required to file 266
an annual return under this section. Nothing in this division 267
precludes such an owner from filing the annual return under this 268
section, utilizing the refundable credit under section 5747.39 269
of the Revised Code equal to the owner's proportionate share of 270
the tax levied under section 5747.38 of the Revised Code and 271
paid by the electing pass-through entity, and making the payment 272
of taxes imposed under section 5747.02 of the Revised Code. 273

(M) The tax commissioner may adopt rules to administer 274
this section. 275

Sec. 5747.86. A nonrefundable tax credit against a 276
taxpayer's aggregate tax liability under section 5747.02 of the 277
Revised Code is allowed for the cost of a course, class, or 278
program described in division (B) (3) (a), (b), (c), or (e) of 279
section 2923.125 of the Revised Code. The amount of the credit 280
shall equal the cost of the course, class, or program, but the 281
amount of credit claimed by the taxpayer for any taxable year 282
may not exceed two hundred fifty dollars. 283

The credit shall be claimed for the taxable year in which 284

the taxpayer completed the course, class, or program, and in the 285
order prescribed by section 5747.98 of the Revised Code. 286

The tax commissioner shall not prepare or keep a list of 287
taxpayers who have claimed the credit authorized by this 288
section. 289

Sec. 5747.87. (A) As used in this section: 290

(1) "Secure storage device" means a locked safe, 291
container, case, lock box, or other device that is designed to 292
be, or can be, used to store a firearm provided that it can only 293
be unlocked by means of a key, combination, biometric 294
identifier, or other similar means. 295

(2) "Locking device" means a tamper-resistant mechanical 296
lock or device that disables a firearm and renders the firearm 297
inoperable without first deactivating the device. A locking 298
device can only be unlocked by means of a key, combination, 299
biometric identifier, or other similar means. 300

(B) There is hereby allowed a nonrefundable credit against 301
a taxpayer's aggregate tax liability under section 5747.02 of 302
the Revised Code for amounts spent by the taxpayer during the 303
taxable year to purchase secure storage devices or locking 304
devices. The amount of the credit on the basis of each secure 305
storage device or locking device shall equal the lesser of two 306
hundred fifty dollars or the purchase price of the secure 307
storage device or locking device. 308

The taxpayer shall claim the credit in the order required 309
under section 5747.98 of the Revised Code. 310

The tax commissioner may request that a taxpayer furnish a 311
sales receipt or any other information necessary to support a 312
claim for credit under this section, and no credit shall be 313

allowed unless the requested information is provided. 314

The tax commissioner shall not prepare or keep a list of 315
taxpayers who have claimed the credit authorized by this 316
section. 317

Sec. 5747.98. (A) To provide a uniform procedure for 318
calculating a taxpayer's aggregate tax liability under section 319
5747.02 of the Revised Code, a taxpayer shall claim any credits 320
to which the taxpayer is entitled in the following order: 321

Either the retirement income credit under division (B) of 322
section 5747.055 of the Revised Code or the lump sum retirement 323
income credits under divisions (C), (D), and (E) of that 324
section; 325

Either the senior citizen credit under division (F) of 326
section 5747.055 of the Revised Code or the lump sum 327
distribution credit under division (G) of that section; 328

The dependent care credit under section 5747.054 of the 329
Revised Code; 330

The credit for displaced workers who pay for job training 331
under section 5747.27 of the Revised Code; 332

The campaign contribution credit under section 5747.29 of 333
the Revised Code; 334

The twenty-dollar personal exemption credit under section 335
5747.022 of the Revised Code; 336

The joint filing credit under division ~~(G)~~ (E) of section 337
5747.05 of the Revised Code; 338

The earned income credit under section 5747.71 of the 339
Revised Code; 340

The nonrefundable credit for education expenses under	341
section 5747.72 of the Revised Code;	342
The nonrefundable credit for donations to scholarship	343
granting organizations under section 5747.73 of the Revised	344
Code;	345
The nonrefundable credit for tuition paid to a	346
nonchartered nonpublic school under section 5747.75 of the	347
Revised Code;	348
The nonrefundable vocational job credit under section	349
5747.057 of the Revised Code;	350
<u>The nonrefundable handgun training credit under section</u>	351
<u>5747.86 of the Revised Code;</u>	352
<u>The nonrefundable credit for secure storage or locking</u>	353
<u>device purchases under section 5747.87 of the Revised Code;</u>	354
The nonrefundable job retention credit under division (B)	355
of section 5747.058 of the Revised Code;	356
The enterprise zone credit under section 5709.66 of the	357
Revised Code;	358
The credit for beginning farmers who participate in a	359
financial management program under division (B) of section	360
5747.77 of the Revised Code;	361
The credit for commercial vehicle operator training	362
expenses under section 5747.82 of the Revised Code;	363
The nonrefundable welcome home Ohio (WHO) program credit	364
under section 122.633 of the Revised Code;	365
The credit for selling or renting agricultural assets to	366
beginning farmers under division (A) of section 5747.77 of the	367

Revised Code;	368
The credit for purchases of qualifying grape production	369
property under section 5747.28 of the Revised Code;	370
The small business investment credit under section 5747.81	371
of the Revised Code;	372
The nonrefundable lead abatement credit under section	373
5747.26 of the Revised Code;	374
The opportunity zone investment credit under section	375
122.84 of the Revised Code;	376
The enterprise zone credits under section 5709.65 of the	377
Revised Code;	378
The research and development credit under section 5747.331	379
of the Revised Code;	380
The credit for rehabilitating a historic building under	381
section 5747.76 of the Revised Code;	382
The nonrefundable Ohio low-income housing tax credit under	383
section 5747.83 of the Revised Code;	384
The nonrefundable affordable single-family home credit	385
under section 5747.84 of the Revised Code;	386
The nonresident credit under division (A) of section	387
5747.05 of the Revised Code;	388
The credit for a resident's out-of-state income under	389
division (B) of section 5747.05 of the Revised Code;	390
The refundable motion picture and Broadway theatrical	391
production credit under section 5747.66 of the Revised Code;	392
The refundable credit for film and theater capital	393

improvement projects under section 5747.67 of the Revised Code; 394

 The refundable jobs creation credit or job retention 395
credit under division (A) of section 5747.058 of the Revised 396
Code; 397

 The refundable credit for taxes paid by a qualifying 398
entity granted under section 5747.059 of the Revised Code; 399

 The refundable credits for taxes paid by a qualifying 400
pass-through entity granted under division (I) of section 401
5747.08 of the Revised Code; 402

 The refundable credit under section 5747.80 of the Revised 403
Code for losses on loans made to the Ohio venture capital 404
program under sections 150.01 to 150.10 of the Revised Code; 405

 The refundable credit for rehabilitating a historic 406
building under section 5747.76 of the Revised Code; 407

 The refundable credit under section 5747.39 of the Revised 408
Code for taxes levied under section 5747.38 of the Revised Code 409
paid by an electing pass-through entity. 410

 (B) For any credit, except the refundable credits 411
enumerated in this section and the credit granted under division 412
(H) of section 5747.08 of the Revised Code, the amount of the 413
credit for a taxable year shall not exceed the taxpayer's 414
aggregate amount of tax due under section 5747.02 of the Revised 415
Code, after allowing for any other credit that precedes it in 416
the order required under this section. Any excess amount of a 417
particular credit may be carried forward if authorized under the 418
section creating that credit. Nothing in this chapter shall be 419
construed to allow a taxpayer to claim, directly or indirectly, 420
a credit more than once for a taxable year. 421

Section 2. That existing sections 5747.08 and 5747.98 of 422
the Revised Code are hereby repealed. 423

Section 3. The enactment by this act of sections 5747.86 424
and 5747.87 of the Revised Code applies to taxable years ending 425
on or after the effective date of this section. 426