

As Introduced

136th General Assembly

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H. B. No. 45

Representatives Thomas, C., Baker

**Cosponsors: Representatives Piccolantonio, Brownlee, Somani, Brennan,
Rogers, Mohamed, Rader, Upchurch, Russo, Sweeney**

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 unless the transferee 4
passes a background check. 5

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

Section 1. That section 2923.11 be amended and section 6
2923.26 of the Revised Code be enacted to read as follows: 7

Sec. 2923.11. As used in sections 2923.11 to 2923.24 and 8
2923.26 of the Revised Code: 9

(A) "Deadly weapon" means any instrument, device, or thing 10
capable of inflicting death, and designed or specially adapted 11
for use as a weapon, or possessed, carried, or used as a weapon. 12

(B) (1) "Firearm" means any deadly weapon capable of 13
expelling or propelling one or more projectiles by the action of 14
an explosive or combustible propellant. "Firearm" includes an 15
unloaded firearm, and any firearm that is inoperable but that 16
can readily be rendered operable. 17

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

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

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

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

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

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

(F) "Sawed-off firearm" means a shotgun with a barrel less than eighteen inches long, or a rifle with a barrel less than sixteen inches long, or a shotgun or rifle less than twenty-six inches long overall. "Sawed-off firearm" does not include any firearm with an overall length of at least twenty-six inches that is approved for sale by the federal bureau of alcohol, tobacco, firearms, and explosives under the "Gun Control Act of 1968," 82 Stat. 1213, 18 U.S.C. 921(a) (3), but that is found by the bureau not to be regulated under the "National Firearms Act," 68A Stat. 725 (1934), 26 U.S.C. 5845(a).

- (G) "Zip-gun" means any of the following: 47
- (1) Any firearm of crude and extemporized manufacture; 48
- (2) Any device, including without limitation a starter's 49
pistol, that is not designed as a firearm, but that is specially 50
adapted for use as a firearm; 51
- (3) Any industrial tool, signalling device, or safety 52
device, that is not designed as a firearm, but that as designed 53
is capable of use as such, when possessed, carried, or used as a 54
firearm. 55
- (H) "Explosive device" means any device designed or 56
specially adapted to cause physical harm to persons or property 57
by means of an explosion, and consisting of an explosive 58
substance or agency and a means to detonate it. "Explosive 59
device" includes without limitation any bomb, any explosive 60
demolition device, any blasting cap or detonator containing an 61
explosive charge, and any pressure vessel that has been 62
knowingly tampered with or arranged so as to explode. 63
- (I) "Incendiary device" means any firebomb, and any device 64
designed or specially adapted to cause physical harm to persons 65
or property by means of fire, and consisting of an incendiary 66
substance or agency and a means to ignite it. 67
- (J) "Ballistic knife" means a knife with a detachable 68
blade that is propelled by a spring-operated mechanism. 69
- (K) "Dangerous ordnance" means any of the following, 70
except as provided in division (L) of this section: 71
- (1) Any automatic or sawed-off firearm, zip-gun, or 72
ballistic knife; 73
- (2) Any explosive device or incendiary device; 74

(3) Nitroglycerin, nitrocellulose, nitrostarch, PETN, 75
cyclonite, TNT, picric acid, and other high explosives; amatol, 76
tritonite, tetrytol, pentolite, pecretol, cyclitol, and other 77
high explosive compositions; plastic explosives; dynamite, 78
blasting gelatin, gelatin dynamite, sensitized ammonium nitrate, 79
liquid-oxygen blasting explosives, blasting powder, and other 80
blasting agents; and any other explosive substance having 81
sufficient brisance or power to be particularly suitable for use 82
as a military explosive, or for use in mining, quarrying, 83
excavating, or demolitions; 84

(4) Any firearm, rocket launcher, mortar, artillery piece, 85
grenade, mine, bomb, torpedo, or similar weapon, designed and 86
manufactured for military purposes, and the ammunition for that 87
weapon; 88

(5) Any firearm muffler or suppressor; 89

(6) Any combination of parts that is intended by the owner 90
for use in converting any firearm or other device into a 91
dangerous ordnance. 92

(L) "Dangerous ordnance" does not include any of the 93
following: 94

(1) Any firearm, including a military weapon and the 95
ammunition for that weapon, and regardless of its actual age, 96
that employs a percussion cap or other obsolete ignition system, 97
or that is designed and safe for use only with black powder; 98

(2) Any pistol, rifle, or shotgun, designed or suitable 99
for sporting purposes, including a military weapon as issued or 100
as modified, and the ammunition for that weapon, unless the 101
firearm is an automatic or sawed-off firearm; 102

(3) Any cannon or other artillery piece that, regardless 103

of its actual age, is of a type in accepted use prior to 1887, 104
has no mechanical, hydraulic, pneumatic, or other system for 105
absorbing recoil and returning the tube into battery without 106
displacing the carriage, and is designed and safe for use only 107
with black powder; 108

(4) Black powder, priming quills, and percussion caps 109
possessed and lawfully used to fire a cannon of a type defined 110
in division (L) (3) of this section during displays, 111
celebrations, organized matches or shoots, and target practice, 112
and smokeless and black powder, primers, and percussion caps 113
possessed and lawfully used as a propellant or ignition device 114
in small-arms or small-arms ammunition; 115

(5) Dangerous ordnance that is inoperable or inert and 116
cannot readily be rendered operable or activated, and that is 117
kept as a trophy, souvenir, curio, or museum piece; 118

(6) Any device that is expressly excepted from the 119
definition of a destructive device pursuant to the "Gun Control 120
Act of 1968," 82 Stat. 1213, 18 U.S.C. 921(a) (4), as amended, 121
and regulations issued under that act; 122

(7) Any firearm with an overall length of at least twenty- 123
six inches that is approved for sale by the federal bureau of 124
alcohol, tobacco, firearms, and explosives under the "Gun 125
Control Act of 1968," 82 Stat. 1213, 18 U.S.C. 921(a) (3), but 126
that is found by the bureau not to be regulated under the 127
"National Firearms Act," 68A Stat. 725 (1934), 26 U.S.C. 128
5845(a). 129

(M) "Explosive" means any chemical compound, mixture, or 130
device, the primary or common purpose of which is to function by 131
explosion. "Explosive" includes all materials that have been 132

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

(N) (1) "Concealed handgun license" or "license to carry a 150
concealed handgun" means, subject to division (N) (2) of this 151
section, a license or temporary emergency license to carry a 152
concealed handgun issued under section 2923.125 or 2923.1213 of 153
the Revised Code or a license to carry a concealed handgun 154
issued by another state with which the attorney general has 155
entered into a reciprocity agreement under section 109.69 of the 156
Revised Code. 157

(2) A reference in any provision of the Revised Code to a 158
concealed handgun license issued under section 2923.125 of the 159
Revised Code or a license to carry a concealed handgun issued 160
under section 2923.125 of the Revised Code means only a license 161
of the type that is specified in that section. A reference in 162
any provision of the Revised Code to a concealed handgun license 163

issued under section 2923.1213 of the Revised Code, a license to 164
carry a concealed handgun issued under section 2923.1213 of the 165
Revised Code, or a license to carry a concealed handgun on a 166
temporary emergency basis means only a license of the type that 167
is specified in section 2923.1213 of the Revised Code. A 168
reference in any provision of the Revised Code to a concealed 169
handgun license issued by another state or a license to carry a 170
concealed handgun issued by another state means only a license 171
issued by another state with which the attorney general has 172
entered into a reciprocity agreement under section 109.69 of the 173
Revised Code. 174

(O) "Valid concealed handgun license" or "valid license to 175
carry a concealed handgun" means a concealed handgun license 176
that is currently valid, that is not under a suspension under 177
division (A)(1) of section 2923.128 of the Revised Code, under 178
section 2923.1213 of the Revised Code, or under a suspension 179
provision of the state other than this state in which the 180
license was issued, and that has not been revoked under division 181
(B)(1) of section 2923.128 of the Revised Code, under section 182
2923.1213 of the Revised Code, or under a revocation provision 183
of the state other than this state in which the license was 184
issued. 185

(P) "Misdemeanor punishable by imprisonment for a term 186
exceeding one year" does not include any of the following: 187

(1) Any federal or state offense pertaining to antitrust 188
violations, unfair trade practices, restraints of trade, or 189
other similar offenses relating to the regulation of business 190
practices; 191

(2) Any misdemeanor offense punishable by a term of 192
imprisonment of two years or less. 193

(Q) "Alien registration number" means the number issued by 194
the United States citizenship and immigration services agency 195
that is located on the alien's permanent resident card and may 196
also be commonly referred to as the "USCIS number" or the "alien 197
number." 198

(R) "Active duty" has the same meaning as defined in 10 199
U.S.C. 101. 200

Sec. 2923.26. (A) As used in this section, "federally 201
licensed firearms dealer" has the same meaning as in section 202
5502.63 of the Revised Code. 203

(B) Notwithstanding 18 U.S.C. 922(t), no federally 204
licensed firearms dealer shall transfer a firearm to any person 205
unless ten days or more have elapsed since the federally 206
licensed firearms dealer has contacted the national instant 207
criminal background check system, and the national instant 208
criminal background check system has provided the federally 209
licensed firearms dealer with a unique identification number. 210

(C) Notwithstanding any federal or state law to the 211
contrary, a person who has a license or permit to carry firearms 212
is subject to the provisions in this section. 213

Section 2. That existing section 2923.11 of the Revised 214
Code is hereby repealed. 215