

As Introduced

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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

To 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, 11
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

(5) The person is under adjudication of mental 29
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 42
law or legal process" shall not itself include mere completion, 43
termination, or expiration of a sentence imposed as a result of 44
a criminal conviction. 45

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 51
person who has been convicted of or pleaded guilty to a 52
violation of section 2923.132 of the Revised Code or to a person 53
who, two or more times, has been convicted of or pleaded guilty 54
to a felony and a specification of the type described in section 55
2941.141, 2941.144, 2941.145, 2941.146, 2941.1412, or 2941.1424 56
of the Revised Code. 57

(B) The application shall recite the following: 58

(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 68
relief under this section. 69

(C) A copy of the application shall be served on the 70
county prosecutor. The county prosecutor shall cause the matter 71
to be investigated and shall raise before the court any 72
objections to granting relief that the investigation reveals. 73

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

pursuant to this section, if all of the following apply: 75

(1) One of the following applies: 76

(a) If the disability is based upon an indictment, a 77
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

(4) Is automatically void upon commission by the applicant 102
of any offense set forth in division (A) (2) ~~or~~, (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. 106

(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. 112

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. 116