

**As Introduced**

**133rd General Assembly**

**Regular Session**

**2019-2020**

**S. B. No. 53**

**Senator Roegner**

**Cosponsors: Senators Obhof, Uecker, Hottinger**

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**A BILL**

To amend section 2923.11 of the Revised Code to  
clarify that certain firearms are not "dangerous  
ordnance" and to declare an emergency. 1  
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**BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:**

**Section 1.** That section 2923.11 of the Revised Code be  
amended to read as follows: 4  
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**Sec. 2923.11.** As used in sections 2923.11 to 2923.24 of  
the Revised Code: 6  
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(A) "Deadly weapon" means any instrument, device, or thing  
capable of inflicting death, and designed or specially adapted  
for use as a weapon, or possessed, carried, or used as a weapon. 8  
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(B) (1) "Firearm" means any deadly weapon capable of  
expelling or propelling one or more projectiles by the action of  
an explosive or combustible propellant. "Firearm" includes an  
unloaded firearm, and any firearm that is inoperable but that  
can readily be rendered operable. 11  
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(2) When determining whether a firearm is capable of  
expelling or propelling one or more projectiles by the action of 16  
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an explosive or combustible propellant, the trier of fact may 18  
rely upon circumstantial evidence, including, but not limited 19  
to, the representations and actions of the individual exercising 20  
control over the firearm. 21

(C) "Handgun" means any of the following: 22

(1) Any firearm that has a short stock and is designed to 23  
be held and fired by the use of a single hand; 24

(2) Any combination of parts from which a firearm of a 25  
type described in division (C) (1) of this section can be 26  
assembled. 27

(D) "Semi-automatic firearm" means any firearm designed or 28  
specially adapted to fire a single cartridge and automatically 29  
chamber a succeeding cartridge ready to fire, with a single 30  
function of the trigger. 31

(E) "Automatic firearm" means any firearm designed or 32  
specially adapted to fire a succession of cartridges with a 33  
single function of the trigger. 34

(F) "Sawed-off firearm" means a shotgun with a barrel less 35  
than eighteen inches long, or a rifle with a barrel less than 36  
sixteen inches long, or a shotgun or rifle less than twenty-six 37  
inches long overall. "Sawed-off firearm" does not include any 38  
firearm with an overall length of at least twenty-six inches 39  
that is approved for sale by the federal bureau of alcohol, 40  
tobacco, firearms, and explosives under the "Gun Control Act of 41  
1968," 82 Stat. 1213, 18 U.S.C. 921(a) (3), but that is found by 42  
the bureau not to be regulated under the "National Firearms 43  
Act," 68A Stat. 725 (1934), 26 U.S.C. 5845(a). 44

(G) "Zip-gun" means any of the following: 45

- (1) Any firearm of crude and extemporized manufacture; 46
- (2) Any device, including without limitation a starter's 47  
pistol, that is not designed as a firearm, but that is specially 48  
adapted for use as a firearm; 49
- (3) Any industrial tool, signalling device, or safety 50  
device, that is not designed as a firearm, but that as designed 51  
is capable of use as such, when possessed, carried, or used as a 52  
firearm. 53
- (H) "Explosive device" means any device designed or 54  
specially adapted to cause physical harm to persons or property 55  
by means of an explosion, and consisting of an explosive 56  
substance or agency and a means to detonate it. "Explosive 57  
device" includes without limitation any bomb, any explosive 58  
demolition device, any blasting cap or detonator containing an 59  
explosive charge, and any pressure vessel that has been 60  
knowingly tampered with or arranged so as to explode. 61
- (I) "Incendiary device" means any firebomb, and any device 62  
designed or specially adapted to cause physical harm to persons 63  
or property by means of fire, and consisting of an incendiary 64  
substance or agency and a means to ignite it. 65
- (J) "Ballistic knife" means a knife with a detachable 66  
blade that is propelled by a spring-operated mechanism. 67
- (K) "Dangerous ordnance" means any of the following, 68  
except as provided in division (L) of this section: 69
- (1) Any automatic or sawed-off firearm, zip-gun, or 70  
ballistic knife; 71
- (2) Any explosive device or incendiary device; 72
- (3) Nitroglycerin, nitrocellulose, nitrostarch, PETN, 73

cyclonite, TNT, picric acid, and other high explosives; amatol, 74  
tritonite, tetrytol, pentolite, peccretol, cyclotol, and other 75  
high explosive compositions; plastic explosives; dynamite, 76  
blasting gelatin, gelatin dynamite, sensitized ammonium nitrate, 77  
liquid-oxygen blasting explosives, blasting powder, and other 78  
blasting agents; and any other explosive substance having 79  
sufficient brisance or power to be particularly suitable for use 80  
as a military explosive, or for use in mining, quarrying, 81  
excavating, or demolitions; 82

(4) Any firearm, rocket launcher, mortar, artillery piece, 83  
grenade, mine, bomb, torpedo, or similar weapon, designed and 84  
manufactured for military purposes, and the ammunition for that 85  
weapon; 86

(5) Any firearm muffler or suppressor; 87

(6) Any combination of parts that is intended by the owner 88  
for use in converting any firearm or other device into a 89  
dangerous ordnance; 90

~~(7) Any firearm with an overall length of at least twenty-~~ 91  
~~six inches that is approved for sale by the federal bureau of~~ 92  
~~alcohol, tobacco, firearms, and explosives under the "Gun~~ 93  
~~Control Act of 1968," 82 Stat. 1213, 18 U.S.C. 921(a)(3), but~~ 94  
~~that is found by the bureau not to be regulated under the~~ 95  
~~"National Firearms Act," 68A Stat. 725 (1934), 26 U.S.C.~~ 96  
~~5845(a).~~ 97

(L) "Dangerous ordnance" does not include any of the 98  
following: 99

(1) Any firearm, including a military weapon and the 100  
ammunition for that weapon, and regardless of its actual age, 101  
that employs a percussion cap or other obsolete ignition system, 102

or that is designed and safe for use only with black powder; 103

(2) Any pistol, rifle, or shotgun, designed or suitable 104  
for sporting purposes, including a military weapon as issued or 105  
as modified, and the ammunition for that weapon, unless the 106  
firearm is an automatic or sawed-off firearm; 107

(3) Any cannon or other artillery piece that, regardless 108  
of its actual age, is of a type in accepted use prior to 1887, 109  
has no mechanical, hydraulic, pneumatic, or other system for 110  
absorbing recoil and returning the tube into battery without 111  
displacing the carriage, and is designed and safe for use only 112  
with black powder; 113

(4) Black powder, priming quills, and percussion caps 114  
possessed and lawfully used to fire a cannon of a type defined 115  
in division (L) (3) of this section during displays, 116  
celebrations, organized matches or shoots, and target practice, 117  
and smokeless and black powder, primers, and percussion caps 118  
possessed and lawfully used as a propellant or ignition device 119  
in small-arms or small-arms ammunition; 120

(5) Dangerous ordnance that is inoperable or inert and 121  
cannot readily be rendered operable or activated, and that is 122  
kept as a trophy, souvenir, curio, or museum piece; 123

(6) Any device that is expressly excepted from the 124  
definition of a destructive device pursuant to the "Gun Control 125  
Act of 1968," 82 Stat. 1213, 18 U.S.C. 921(a) (4), as amended, 126  
and regulations issued under that act; 127

(7) Any firearm with an overall length of at least twenty- 128  
six inches that is approved for sale by the federal bureau of 129  
alcohol, tobacco, firearms, and explosives under the "Gun 130  
Control Act of 1968," 82 Stat. 1213, 18 U.S.C. 921(a) (3), but 131

that is found by the bureau not to be regulated under the 132  
"National Firearms Act," 68A Stat. 725 (1934), 26 U.S.C. 133  
5845(a). 134

(M) "Explosive" means any chemical compound, mixture, or 135  
device, the primary or common purpose of which is to function by 136  
explosion. "Explosive" includes all materials that have been 137  
classified as division 1.1, division 1.2, division 1.3, or 138  
division 1.4 explosives by the United States department of 139  
transportation in its regulations and includes, but is not 140  
limited to, dynamite, black powder, pellet powders, initiating 141  
explosives, blasting caps, electric blasting caps, safety fuses, 142  
fuse igniters, squibs, cordeau detonant fuses, instantaneous 143  
fuses, and igniter cords and igniters. "Explosive" does not 144  
include "fireworks," as defined in section 3743.01 of the 145  
Revised Code, or any substance or material otherwise meeting the 146  
definition of explosive set forth in this section that is 147  
manufactured, sold, possessed, transported, stored, or used in 148  
any activity described in section 3743.80 of the Revised Code, 149  
provided the activity is conducted in accordance with all 150  
applicable laws, rules, and regulations, including, but not 151  
limited to, the provisions of section 3743.80 of the Revised 152  
Code and the rules of the fire marshal adopted pursuant to 153  
section 3737.82 of the Revised Code. 154

(N) (1) "Concealed handgun license" or "license to carry a 155  
concealed handgun" means, subject to division (N) (2) of this 156  
section, a license or temporary emergency license to carry a 157  
concealed handgun issued under section 2923.125 or 2923.1213 of 158  
the Revised Code or a license to carry a concealed handgun 159  
issued by another state with which the attorney general has 160  
entered into a reciprocity agreement under section 109.69 of the 161  
Revised Code. 162

(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.

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

**Section 3.** The amendment to section 2923.11 of the Revised Code takes effect on March 28, 2019, which is the effective date of Am. Sub. H.B. 228 of the 132nd General Assembly, or on the effective date of this section, whichever is later.

**Section 4.** This act is an emergency measure necessary for the immediate preservation of the public peace, health, and safety. The reason for the emergency is to relocate a provision that inadvertently was located in the wrong division of a section of law. Therefore, this act goes into immediate effect.