

As Introduced

133rd General Assembly

Regular Session

2019-2020

S. B. No. 223

Senators Thomas, Lehner

Cosponsors: Senators Craig, Antonio, Maharath, Sykes, Fedor, Yuko, Williams

A BILL

To amend sections 2923.13 and 2923.14 and to enact
sections 2923.133 and 2923.191 of the Revised
Code to generally prohibit a person from
possessing trigger cranks, bump-fire devices,
or other items that accelerate a semi-automatic
firearm's rate of fire but do not convert it
into an automatic firearm and large capacity
magazines.

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

Section 1. That sections 2923.13 and 2923.14 be amended
and sections 2923.133 and 2923.191 of the Revised Code be
enacted to read as follows:

Sec. 2923.13. (A) Unless relieved from disability under
operation of law or legal process, no person shall knowingly
acquire, have, carry, or use any firearm or dangerous ordnance,
if any of the following apply:

(1) The person is a fugitive from justice.

(2) The person is under indictment for or has been
convicted of any felony offense of violence or has been

adjudicated a delinquent child for the commission of an offense 19
that, if committed by an adult, would have been a felony offense 20
of violence. 21

(3) The person is under indictment for or has been 22
convicted of any felony offense involving the illegal 23
possession, use, sale, administration, distribution, or 24
trafficking in any drug of abuse or has been adjudicated a 25
delinquent child for the commission of an offense that, if 26
committed by an adult, would have been a felony offense 27
involving the illegal possession, use, sale, administration, 28
distribution, or trafficking in any drug of abuse. 29

(4) The person is drug dependent, in danger of drug 30
dependence, or a chronic alcoholic. 31

(5) The person is under adjudication of mental 32
incompetence, has been adjudicated as a mental defective, has 33
been committed to a mental institution, has been found by a 34
court to be a mentally ill person subject to court order, or is 35
an involuntary patient other than one who is a patient only for 36
purposes of observation. As used in this division, "mentally ill 37
person subject to court order" and "patient" have the same 38
meanings as in section 5122.01 of the Revised Code. 39

(6) The person has been convicted of a violation of 40
section 2923.133 of the Revised Code or has been adjudicated a 41
delinquent child for the commission of a violation of that 42
section. 43

(7) The person has been convicted of a violation of 44
section 2923.191 of the Revised Code or has been adjudicated a 45
delinquent child for the commission of a violation of that 46
section. 47

(B) Whoever violates this section is guilty of having 48
weapons while under disability, a felony of the third degree. 49

(C) For the purposes of this section, "under operation of 50
law or legal process" shall not itself include mere completion, 51
termination, or expiration of a sentence imposed as a result of 52
a criminal conviction. 53

Sec. 2923.133. (A) On and after the date that is one 54
hundred eighty days after the effective date of this section, no 55
person shall import, manufacture, sell, transfer, or possess a 56
trigger crank, a bump-fire device, or any part, combination of 57
parts, component, device, attachment, or accessory that is 58
designed or functions to accelerate the rate of fire of a semi- 59
automatic firearm but not convert the semi-automatic firearm 60
into an automatic firearm. 61

(B) This section does not apply with respect to the 62
importation for, manufacture for, sale to, transfer to, or 63
possession of any item specified in division (A) of this section 64
by or under authority of the United States or any department or 65
agency of the United States or by this state, any other state, 66
or a department, agency, or political subdivision of this state 67
or any other state. 68

(C) Whoever violates division (A) of this section is 69
guilty of "illegal rate-of-fire acceleration conduct," a felony 70
of the fourth degree. 71

Sec. 2923.14. (A) (1) Except as otherwise provided in 72
division (A) (2) of this section, any person who is prohibited 73
from acquiring, having, carrying, or using firearms may apply to 74
the court of common pleas in the county in which the person 75
resides for relief from such prohibition. 76

(2) Division (A)(1) of this section does not apply to a 77
person who has been convicted of or pleaded guilty to a 78
violation of section 2923.132 of the Revised Code or to a person 79
who, two or more times, has been convicted of or pleaded guilty 80
to a felony and a specification of the type described in section 81
2941.141, 2941.144, 2941.145, 2941.146, 2941.1412, or 2941.1424 82
of the Revised Code. 83

(B) The application shall recite the following: 84

(1) All indictments, convictions, or adjudications upon 85
which the applicant's disability is based, the sentence imposed 86
and served, and any release granted under a community control 87
sanction, post-release control sanction, or parole, any partial 88
or conditional pardon granted, or other disposition of each 89
case, or, if the disability is based upon a factor other than an 90
indictment, a conviction, or an adjudication, the factor upon 91
which the disability is based and all details related to that 92
factor; 93

(2) Facts showing the applicant to be a fit subject for 94
relief under this section. 95

(C) A copy of the application shall be served on the 96
county prosecutor. The county prosecutor shall cause the matter 97
to be investigated and shall raise before the court any 98
objections to granting relief that the investigation reveals. 99

(D) Upon hearing, the court may grant the applicant relief 100
pursuant to this section, if all of the following apply: 101

(1) One of the following applies: 102

(a) If the disability is based upon an indictment, a 103
conviction, or an adjudication, the applicant has been fully 104
discharged from imprisonment, community control, post-release 105

control, and parole, or, if the applicant is under indictment, 106
has been released on bail or recognizance. 107

(b) If the disability is based upon a factor other than an 108
indictment, a conviction, or an adjudication, that factor no 109
longer is applicable to the applicant. 110

(2) The applicant has led a law-abiding life since 111
discharge or release, and appears likely to continue to do so. 112

(3) The applicant is not otherwise prohibited by law from 113
acquiring, having, or using firearms. 114

(E) Costs of the proceeding shall be charged as in other 115
civil cases, and taxed to the applicant. 116

(F) Relief from disability granted pursuant to this 117
section restores the applicant to all civil firearm rights to 118
the full extent enjoyed by any citizen, and is subject to the 119
following conditions: 120

(1) Applies only with respect to indictments, convictions, 121
or adjudications, or to the other factor, recited in the 122
application as the basis for the applicant's disability; 123

(2) Applies only with respect to firearms lawfully 124
acquired, possessed, carried, or used by the applicant; 125

(3) May be revoked by the court at any time for good cause 126
shown and upon notice to the applicant; 127

(4) Is automatically void upon commission by the applicant 128
of any offense set forth in division (A) (2) ~~or, (3), (6), or (7)~~ 129
of section 2923.13 of the Revised Code, or upon the applicant's 130
becoming one of the class of persons named in division (A) (1), 131
(4), or (5) of that section. 132

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| (G) As used in this section: | 133 |
| (1) "Community control sanction" has the same meaning as in section 2929.01 of the Revised Code. | 134 135 |
| (2) "Post-release control" and "post-release control sanction" have the same meanings as in section 2967.01 of the Revised Code. | 136 137 138 |
| <u>Sec. 2923.191.</u> (A) As used in this section: | 139 |
| <u>(1) "Large capacity magazine" means any magazine, belt, drum, feed strip, or similar device that has the capacity of, or can be readily restored or converted to accept, either of the following:</u> | 140 141 142 143 |
| <u>(a) More than fifteen rounds of ammunition for a handgun;</u> | 144 |
| <u>(b) More than twenty rounds of ammunition for any other firearm.</u> | 145 146 |
| <u>(2) "Large capacity magazine" does not mean any of the following:</u> | 147 148 |
| <u>(a) A feeding device that has been permanently altered so that it cannot accommodate more than ten rounds of ammunition;</u> | 149 150 |
| <u>(b) A .22 caliber tube ammunition feeding device;</u> | 151 |
| <u>(c) A tubular magazine that is contained in a lever-action firearm;</u> | 152 153 |
| <u>(d) A magazine that is permanently inoperable.</u> | 154 |
| <u>(B) On and after the date that is one hundred eighty days after the effective date of this section, no person shall knowingly possess, purchase, keep for sale, offer or expose for sale, transfer, distribute, or import a large capacity magazine.</u> | 155 156 157 158 |

(C) Division (B) of this section does not apply to any of 159
the following: 160

(1) Officers, agents, or employees of the United States, 161
this or any other state, or political subdivision of this or any 162
other state, members of the armed forces of the United States or 163
the organized militia of this or any other state, and law 164
enforcement officers to the extent that the officer, agent, 165
employee, or member is authorized to possess, purchase, keep for 166
sale, offer or expose for sale, transfer, distribute, or import 167
large capacity magazines and is acting within the scope of the 168
officer's, agent's, employee's, or member's duties; 169

(2) Importers, manufacturers, and dealers of large 170
capacity magazines that are licensed under the "Gun Control Act 171
of 1968," 82 Stat. 1213, 18 U.S.C. 923, and any amendments or 172
additions thereto or reenactments thereof; 173

(3) Carriers, warehouses, and others engaged in the 174
business of transporting or storing firearms for hire, with 175
respect to large capacity magazines lawfully transported or 176
stored in the usual course of business and in compliance with 177
the laws of this state and applicable federal law. 178

(D) Whoever violates division (B) of this section is 179
guilty of unlawful possession of a large capacity magazine, a 180
felony of the fourth degree. 181

Section 2. That existing sections 2923.13 and 2923.14 of 182
the Revised Code are hereby repealed. 183

Section 3. Section 2923.13 of the Revised Code is 184
presented in this act as a composite of the section as amended 185
by both Am. Sub. H.B. 234 and Am. Sub. S.B. 43 of the 130th 186
General Assembly. The General Assembly, applying the principle 187

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| stated in division (B) of section 1.52 of the Revised Code that | 188 |
| amendments are to be harmonized if reasonably capable of | 189 |
| simultaneous operation, finds that the composite is the | 190 |
| resulting version of the section in effect prior to the | 191 |
| effective date of the section as presented in this act. | 192 |