

As Introduced

132nd General Assembly

Regular Session

2017-2018

S. B. No. 219

Senator Thomas

Cosponsors: Senators Schiavoni, Sykes, Yuko, Brown, Tavares

A BILL

To amend sections 2923.13 and 2923.14 and to enact
section 2923.133 of the Revised Code to prohibit
certain conduct regarding trigger cranks, bump-
fire devices, and other items that accelerate a
semi-automatic firearm's rate of fire but do not
convert it into an automatic firearm.

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

Section 1. That sections 2923.13 and 2923.14 be amended
and section 2923.133 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
that, if committed by an adult, would have been a felony offense

of violence. 19

(3) The person is under indictment for or has been 20
convicted of any felony offense involving the illegal 21
possession, use, sale, administration, distribution, or 22
trafficking in any drug of abuse or has been adjudicated a 23
delinquent child for the commission of an offense that, if 24
committed by an adult, would have been a felony offense 25
involving the illegal possession, use, sale, administration, 26
distribution, or trafficking in any drug of abuse. 27

(4) The person is drug dependent, in danger of drug 28
dependence, or a chronic alcoholic. 29

(5) The person is under adjudication of mental 30
incompetence, has been adjudicated as a mental defective, has 31
been committed to a mental institution, has been found by a 32
court to be a mentally ill person subject to court order, or is 33
an involuntary patient other than one who is a patient only for 34
purposes of observation. As used in this division, "mentally ill 35
person subject to court order" and "patient" have the same 36
meanings as in section 5122.01 of the Revised Code. 37

(6) The person has been convicted of a violation of 38
section 2923.133 of the Revised Code or has been adjudicated a 39
delinquent child for the commission of a violation of that 40
section. 41

(B) Whoever violates this section is guilty of having 42
weapons while under disability, a felony of the third degree. 43

(C) For the purposes of this section, "under operation of 44
law or legal process" shall not itself include mere completion, 45
termination, or expiration of a sentence imposed as a result of 46
a criminal conviction. 47

Sec. 2923.133. (A) On and after the date that is one 48
hundred eighty days after the effective date of this section, no 49
person shall import, manufacture, sell, transfer, or possess a 50
trigger crank, a bump-fire device, or any part, combination of 51
parts, component, device, attachment, or accessory that is 52
designed or functions to accelerate the rate of fire of a semi- 53
automatic firearm but not convert the semi-automatic firearm 54
into an automatic firearm. 55

(B) This section does not apply with respect to the 56
importation for, manufacture for, sale to, transfer to, or 57
possession of any item specified in division (A) of this section 58
by or under authority of the United States or any department or 59
agency of the United States or by this state, any other state, 60
or a department, agency, or political subdivision of this state 61
or any other state. 62

(C) Whoever violates division (A) of this section is 63
guilty of "illegal rate-of-fire acceleration conduct," a felony 64
of the fourth degree. 65

Sec. 2923.14. (A) (1) Except as otherwise provided in 66
division (A) (2) of this section, any person who is prohibited 67
from acquiring, having, carrying, or using firearms may apply to 68
the court of common pleas in the county in which the person 69
resides for relief from such prohibition. 70

(2) Division (A) (1) of this section does not apply to a 71
person who has been convicted of or pleaded guilty to a 72
violation of section 2923.132 of the Revised Code or to a person 73
who, two or more times, has been convicted of or pleaded guilty 74
to a felony and a specification of the type described in section 75
2941.141, 2941.144, 2941.145, 2941.146, 2941.1412, or 2941.1424 76
of the Revised Code. 77

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| (B) The application shall recite the following: | 78 |
| (1) All indictments, convictions, or adjudications upon which the applicant's disability is based, the sentence imposed and served, and any release granted under a community control sanction, post-release control sanction, or parole, any partial or conditional pardon granted, or other disposition of each case, or, if the disability is based upon a factor other than an indictment, a conviction, or an adjudication, the factor upon which the disability is based and all details related to that factor; | 79 80 81 82 83 84 85 86 87 |
| (2) Facts showing the applicant to be a fit subject for relief under this section. | 88 89 |
| (C) A copy of the application shall be served on the county prosecutor. The county prosecutor shall cause the matter to be investigated and shall raise before the court any objections to granting relief that the investigation reveals. | 90 91 92 93 |
| (D) Upon hearing, the court may grant the applicant relief pursuant to this section, if all of the following apply: | 94 95 |
| (1) One of the following applies: | 96 |
| (a) If the disability is based upon an indictment, a conviction, or an adjudication, the applicant has been fully discharged from imprisonment, community control, post-release control, and parole, or, if the applicant is under indictment, has been released on bail or recognizance. | 97 98 99 100 101 |
| (b) If the disability is based upon a factor other than an indictment, a conviction, or an adjudication, that factor no longer is applicable to the applicant. | 102 103 104 |
| (2) The applicant has led a law-abiding life since | 105 |

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| discharge or release, and appears likely to continue to do so. | 106 |
| (3) The applicant is not otherwise prohibited by law from acquiring, having, or using firearms. | 107 108 |
| (E) Costs of the proceeding shall be charged as in other civil cases, and taxed to the applicant. | 109 110 |
| (F) Relief from disability granted pursuant to this section restores the applicant to all civil firearm rights to the full extent enjoyed by any citizen, and is subject to the following conditions: | 111 112 113 114 |
| (1) Applies only with respect to indictments, convictions, or adjudications, or to the other factor, recited in the application as the basis for the applicant's disability; | 115 116 117 |
| (2) Applies only with respect to firearms lawfully acquired, possessed, carried, or used by the applicant; | 118 119 |
| (3) May be revoked by the court at any time for good cause shown and upon notice to the applicant; | 120 121 |
| (4) Is automatically void upon commission by the applicant of any offense set forth in division (A) (2) or , (3), <u>or (6)</u> of section 2923.13 of the Revised Code, or upon the applicant's becoming one of the class of persons named in division (A) (1), (4), or (5) of that section. | 122 123 124 125 126 |
| (G) As used in this section: | 127 |
| (1) "Community control sanction" has the same meaning as in section 2929.01 of the Revised Code. | 128 129 |
| (2) "Post-release control" and "post-release control sanction" have the same meanings as in section 2967.01 of the Revised Code. | 130 131 132 |

Section 2. That existing sections 2923.13 and 2923.14 of 133
the Revised Code are hereby repealed. 134

Section 3. Section 2923.13 of the Revised Code is 135
presented in this act as a composite of the section as amended 136
by both Am. Sub. H.B. 234 and Am. Sub. S.B. 43 of the 130th 137
General Assembly. The General Assembly, applying the principle 138
stated in division (B) of section 1.52 of the Revised Code that 139
amendments are to be harmonized if reasonably capable of 140
simultaneous operation, finds that the composite is the 141
resulting version of the section in effect prior to the 142
effective date of the section as presented in this act. 143