

**As Introduced**

**133rd General Assembly**

**Regular Session**

**2019-2020**

**S. B. No. 64**

**Senator Thomas**

**Cosponsors: Senators Fedor, Yuko, Antonio, Craig**

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**A BILL**

To amend sections 2151.022, 2152.02, 2152.16, 1  
2923.21, and 2923.211 of the Revised Code to 2  
raise the minimum age to purchase a firearm to 3  
age 21 and to increase the penalty for 4  
improperly furnishing firearms to an underage 5  
person. 6

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

**Section 1.** That sections 2151.022, 2152.02, 2152.16, 7  
2923.21, and 2923.211 of the Revised Code be amended to read as 8  
follows: 9

**Sec. 2151.022.** As used in this chapter, "unruly child" 10  
includes any of the following: 11

(A) Any child who does not submit to the reasonable 12  
control of the child's parents, teachers, guardian, or 13  
custodian, by reason of being wayward or habitually disobedient; 14

(B) Any child who is an habitual truant from school; 15

(C) Any child who behaves in a manner as to injure or 16  
endanger the child's own health or morals or the health or 17

morals of others; 18

(D) Any child who violates a law, other than division (C) 19  
of section 2907.39, ~~division (A) of section 2923.211,~~ division 20  
(C) (1) or (D) of section 2925.55, or section 2151.87 or 2923.211 21  
of the Revised Code, that is applicable only to a child. 22

**Sec. 2152.02.** As used in this chapter: 23

(A) "Act charged" means the act that is identified in a 24  
complaint, indictment, or information alleging that a child is a 25  
delinquent child. 26

(B) "Admitted to a department of youth services facility" 27  
includes admission to a facility operated, or contracted for, by 28  
the department and admission to a comparable facility outside 29  
this state by another state or the United States. 30

(C) (1) "Child" means a person who is under eighteen years 31  
of age, except as otherwise provided in divisions (C) (2) to (8) 32  
of this section. 33

(2) Subject to division (C) (3) of this section, any person 34  
who violates a federal or state law or a municipal ordinance 35  
prior to attaining eighteen years of age shall be deemed a 36  
"child" irrespective of that person's age at the time the 37  
complaint with respect to that violation is filed or the hearing 38  
on the complaint is held. 39

(3) Any person who, while under eighteen years of age, 40  
commits an act that would be a felony if committed by an adult 41  
and who is not taken into custody or apprehended for that act 42  
until after the person attains twenty-one years of age is not a 43  
child in relation to that act. 44

(4) Except as otherwise provided in divisions (C) (5) and 45

(7) of this section, any person whose case is transferred for 46  
criminal prosecution pursuant to section 2152.12 of the Revised 47  
Code shall be deemed after the transfer not to be a child in the 48  
transferred case. 49

(5) Any person whose case is transferred for criminal 50  
prosecution pursuant to section 2152.12 of the Revised Code and 51  
who subsequently is convicted of or pleads guilty to a felony in 52  
that case, unless a serious youthful offender dispositional 53  
sentence is imposed on the child for that offense under division 54  
(B) (2) or (3) of section 2152.121 of the Revised Code and the 55  
adult portion of that sentence is not invoked pursuant to 56  
section 2152.14 of the Revised Code, and any person who is 57  
adjudicated a delinquent child for the commission of an act, who 58  
has a serious youthful offender dispositional sentence imposed 59  
for the act pursuant to section 2152.13 of the Revised Code, and 60  
whose adult portion of the dispositional sentence is invoked 61  
pursuant to section 2152.14 of the Revised Code, shall be deemed 62  
after the conviction, plea, or invocation not to be a child in 63  
any case in which a complaint is filed against the person. 64

(6) The juvenile court has jurisdiction over a person who 65  
is adjudicated a delinquent child or juvenile traffic offender 66  
prior to attaining eighteen years of age until the person 67  
attains twenty-one years of age, and, for purposes of that 68  
jurisdiction related to that adjudication, except as otherwise 69  
provided in this division, a person who is so adjudicated a 70  
delinquent child or juvenile traffic offender shall be deemed a 71  
"child" until the person attains twenty-one years of age. If a 72  
person is so adjudicated a delinquent child or juvenile traffic 73  
offender and the court makes a disposition of the person under 74  
this chapter, at any time after the person attains twenty-one 75  
years of age, the places at which the person may be held under 76

that disposition are not limited to places authorized under this 77  
chapter solely for confinement of children, and the person may 78  
be confined under that disposition, in accordance with division 79  
(F) (2) of section 2152.26 of the Revised Code, in places other 80  
than those authorized under this chapter solely for confinement 81  
of children. 82

(7) The juvenile court has jurisdiction over any person 83  
whose case is transferred for criminal prosecution solely for 84  
the purpose of detaining the person as authorized in division 85  
(F) (1) or (4) of section 2152.26 of the Revised Code unless the 86  
person is convicted of or pleads guilty to a felony in the adult 87  
court. 88

(8) Any person who, while eighteen years of age, violates 89  
division (A) (1) or (2) of section 2919.27 of the Revised Code by 90  
violating a protection order issued or consent agreement 91  
approved under section 2151.34 or 3113.31 of the Revised Code 92  
shall be considered a child for the purposes of that violation 93  
of section 2919.27 of the Revised Code. 94

(D) "Community corrections facility," "public safety 95  
beds," "release authority," and "supervised release" have the 96  
same meanings as in section 5139.01 of the Revised Code. 97

(E) "Delinquent child" includes any of the following: 98

(1) Any child, except a juvenile traffic offender, who 99  
violates any law of this state or the United States, or any 100  
ordinance of a political subdivision of the state, that would be 101  
an offense if committed by an adult; 102

(2) Any child who violates any lawful order of the court 103  
made under this chapter, including a child who violates a court 104  
order regarding the child's prior adjudication as an unruly 105

child for being an habitual truant;	106
(3) Any child who violates any lawful order of the court made under Chapter 2151. of the Revised Code other than an order issued under section 2151.87 of the Revised Code;	107 108 109
(4) Any child who violates division (C) of section 2907.39, <del>division (A) of section 2923.211, or</del> division (C) (1) or (D) of section 2925.55, <u>or section 2923.211</u> of the Revised Code.	110 111 112
(F) "Discretionary serious youthful offender" means a person who is eligible for a discretionary SYO and who is not transferred to adult court under a mandatory or discretionary transfer.	113 114 115 116
(G) "Discretionary SYO" means a case in which the juvenile court, in the juvenile court's discretion, may impose a serious youthful offender disposition under section 2152.13 of the Revised Code.	117 118 119 120
(H) "Discretionary transfer" means that the juvenile court has discretion to transfer a case for criminal prosecution under division (B) of section 2152.12 of the Revised Code.	121 122 123
(I) "Drug abuse offense," "felony drug abuse offense," and "minor drug possession offense" have the same meanings as in section 2925.01 of the Revised Code.	124 125 126
(J) "Electronic monitoring" and "electronic monitoring device" have the same meanings as in section 2929.01 of the Revised Code.	127 128 129
(K) "Economic loss" means any economic detriment suffered by a victim of a delinquent act or juvenile traffic offense as a direct and proximate result of the delinquent act or juvenile traffic offense and includes any loss of income due to lost time	130 131 132 133

at work because of any injury caused to the victim and any 134  
property loss, medical cost, or funeral expense incurred as a 135  
result of the delinquent act or juvenile traffic offense. 136  
"Economic loss" does not include non-economic loss or any 137  
punitive or exemplary damages. 138

(L) "Firearm" has the same meaning as in section 2923.11 139  
of the Revised Code. 140

(M) "Intellectual disability" has the same meaning as in 141  
section 5123.01 of the Revised Code. 142

(N) "Juvenile traffic offender" means any child who 143  
violates any traffic law, traffic ordinance, or traffic 144  
regulation of this state, the United States, or any political 145  
subdivision of this state, other than a resolution, ordinance, 146  
or regulation of a political subdivision of this state the 147  
violation of which is required to be handled by a parking 148  
violations bureau or a joint parking violations bureau pursuant 149  
to Chapter 4521. of the Revised Code. 150

(O) A "legitimate excuse for absence from the public 151  
school the child is supposed to attend" has the same meaning as 152  
in section 2151.011 of the Revised Code. 153

(P) "Mandatory serious youthful offender" means a person 154  
who is eligible for a mandatory SYO and who is not transferred 155  
to adult court under a mandatory or discretionary transfer and 156  
also includes, for purposes of imposition of a mandatory serious 157  
youthful dispositional sentence under section 2152.13 of the 158  
Revised Code, a person upon whom a juvenile court is required to 159  
impose such a sentence under division (B) (3) of section 2152.121 160  
of the Revised Code. 161

(Q) "Mandatory SYO" means a case in which the juvenile 162

court is required to impose a mandatory serious youthful offender disposition under section 2152.13 of the Revised Code.	163 164
(R) "Mandatory transfer" means that a case is required to be transferred for criminal prosecution under division (A) of section 2152.12 of the Revised Code.	165 166 167
(S) "Mental illness" has the same meaning as in section 5122.01 of the Revised Code.	168 169
(T) "Monitored time" and "repeat violent offender" have the same meanings as in section 2929.01 of the Revised Code.	170 171
(U) "Of compulsory school age" has the same meaning as in section 3321.01 of the Revised Code.	172 173
(V) "Public record" has the same meaning as in section 149.43 of the Revised Code.	174 175
(W) "Serious youthful offender" means a person who is eligible for a mandatory SYO or discretionary SYO but who is not transferred to adult court under a mandatory or discretionary transfer and also includes, for purposes of imposition of a mandatory serious youthful dispositional sentence under section 2152.13 of the Revised Code, a person upon whom a juvenile court is required to impose such a sentence under division (B) (3) of section 2152.121 of the Revised Code.	176 177 178 179 180 181 182 183
(X) "Sexually oriented offense," "juvenile offender registrant," "child-victim oriented offense," "tier I sex offender/child-victim offender," "tier II sex offender/child-victim offender," "tier III sex offender/child-victim offender," and "public registry-qualified juvenile offender registrant" have the same meanings as in section 2950.01 of the Revised Code.	184 185 186 187 188 189 190

(Y) "Traditional juvenile" means a case that is not 191  
transferred to adult court under a mandatory or discretionary 192  
transfer, that is eligible for a disposition under sections 193  
2152.16, 2152.17, 2152.19, and 2152.20 of the Revised Code, and 194  
that is not eligible for a disposition under section 2152.13 of 195  
the Revised Code. 196

(Z) "Transfer" means the transfer for criminal prosecution 197  
of a case involving the alleged commission by a child of an act 198  
that would be an offense if committed by an adult from the 199  
juvenile court to the appropriate court that has jurisdiction of 200  
the offense. 201

(AA) "Category one offense" means any of the following: 202

(1) A violation of section 2903.01 or 2903.02 of the 203  
Revised Code; 204

(2) A violation of section 2923.02 of the Revised Code 205  
involving an attempt to commit aggravated murder or murder. 206

(BB) "Category two offense" means any of the following: 207

(1) A violation of section 2903.03, 2905.01, 2907.02, 208  
2909.02, 2911.01, or 2911.11 of the Revised Code; 209

(2) A violation of section 2903.04 of the Revised Code 210  
that is a felony of the first degree; 211

(3) A violation of section 2907.12 of the Revised Code as 212  
it existed prior to September 3, 1996. 213

(CC) "Non-economic loss" means nonpecuniary harm suffered 214  
by a victim of a delinquent act or juvenile traffic offense as a 215  
result of or related to the delinquent act or juvenile traffic 216  
offense, including, but not limited to, pain and suffering; loss 217  
of society, consortium, companionship, care, assistance, 218



attention, protection, advice, guidance, counsel, instruction, 219  
training, or education; mental anguish; and any other intangible 220  
loss. 221

**Sec. 2152.16.** (A) (1) If a child is adjudicated a 222  
delinquent child for committing an act that would be a felony if 223  
committed by an adult, the juvenile court may commit the child 224  
to the legal custody of the department of youth services for 225  
secure confinement as follows: 226

(a) For an act that would be aggravated murder or murder 227  
if committed by an adult, until the offender attains twenty-one 228  
years of age; 229

(b) For a violation of section 2923.02 of the Revised Code 230  
that involves an attempt to commit an act that would be 231  
aggravated murder or murder if committed by an adult, a minimum 232  
period of six to seven years as prescribed by the court and a 233  
maximum period not to exceed the child's attainment of twenty- 234  
one years of age; 235

(c) For a violation of section 2903.03, 2905.01, 2909.02, 236  
or 2911.01 or division (A) of section 2903.04 of the Revised 237  
Code or for a violation of any provision of section 2907.02 of 238  
the Revised Code other than division (A) (1) (b) of that section 239  
when the sexual conduct or insertion involved was consensual and 240  
when the victim of the violation of division (A) (1) (b) of that 241  
section was older than the delinquent child, was the same age as 242  
the delinquent child, or was less than three years younger than 243  
the delinquent child, for an indefinite term consisting of a 244  
minimum period of one to three years, as prescribed by the 245  
court, and a maximum period not to exceed the child's attainment 246  
of twenty-one years of age; 247

(d) If the child is adjudicated a delinquent child for 248  
committing an act that is not described in division (A) (1) (b) or 249  
(c) of this section and that would be a felony of the first or 250  
second degree if committed by an adult, for an indefinite term 251  
consisting of a minimum period of one year and a maximum period 252  
not to exceed the child's attainment of twenty-one years of age. 253

(e) For committing an act that would be a felony of the 254  
third, fourth, or fifth degree if committed by an adult or for a 255  
violation of ~~division (A) of~~ section 2923.211 of the Revised 256  
Code, for an indefinite term consisting of a minimum period of 257  
six months and a maximum period not to exceed the child's 258  
attainment of twenty-one years of age. 259

(2) In each case in which a court makes a disposition 260  
under this section, the court retains control over the 261  
commitment for the minimum period specified by the court in 262  
divisions (A) (1) (a) to (e) of this section. During the minimum 263  
period, the department of youth services shall not move the 264  
child to a nonsecure setting without the permission of the court 265  
that imposed the disposition. 266

(B) (1) Subject to division (B) (2) of this section, if a 267  
delinquent child is committed to the department of youth 268  
services under this section, the department may release the 269  
child at any time after the minimum period specified by the 270  
court in division (A) (1) of this section ends. 271

(2) A commitment under this section is subject to a 272  
supervised release or to a discharge of the child from the 273  
custody of the department for medical reasons pursuant to 274  
section 5139.54 of the Revised Code, but, during the minimum 275  
period specified by the court in division (A) (1) of this 276  
section, the department shall obtain court approval of a 277

supervised release or discharge under that section. 278

(C) If a child is adjudicated a delinquent child, at the 279  
dispositional hearing and prior to making any disposition 280  
pursuant to this section, the court shall determine whether the 281  
delinquent child previously has been adjudicated a delinquent 282  
child for a violation of a law or ordinance. If the delinquent 283  
child previously has been adjudicated a delinquent child for a 284  
violation of a law or ordinance, the court, for purposes of 285  
entering an order of disposition of the delinquent child under 286  
this section, shall consider the previous delinquent child 287  
adjudication as a conviction of a violation of the law or 288  
ordinance in determining the degree of the offense the current 289  
act would be had it been committed by an adult. This division 290  
also shall apply in relation to the imposition of any financial 291  
sanction under section 2152.19 of the Revised Code. 292

**Sec. 2923.21.** (A) No person shall do any of the following: 293

~~(1) Sell any firearm to a person who is under eighteen-~~ 294  
~~years of age;~~ 295

~~(2) Subject to division (B) of this section, sell any~~ 296  
~~handgun firearm~~ to a person who is under twenty-one years of 297  
age; 298

~~(3) Furnish any firearm to a person who is under eighteen-~~ 299  
~~years of age or, subject~~ (2) Subject to division (B) of this 300  
section, furnish any ~~handgun firearm~~ to a person who is under 301  
twenty-one years of age, except for lawful hunting, sporting, or 302  
educational purposes, including, but not limited to, instruction 303  
in firearms or handgun safety, care, handling, or marksmanship 304  
under the supervision or control of a responsible adult; 305

~~(4) Sell or furnish a firearm to a person who is eighteen-~~ 306

~~years of age or older if the seller or furnisher knows, or has  
reason to know, that the person is purchasing or receiving the  
firearm for the purpose of selling the firearm in violation of  
division (A) (1) of this section to a person who is under  
eighteen years of age or for the purpose of furnishing the  
firearm in violation of division (A) (3) of this section to a  
person who is under eighteen years of age;~~

~~(5) (3) Sell or furnish a handgun-firearm to a person who  
is twenty-one years of age or older if the seller or furnisher  
knows, or has reason to know, that the person is purchasing or  
receiving the handgun-firearm for the purpose of selling the  
handgun-firearm in violation of division (A) ~~(2)~~ (1) of this  
section to a person who is under twenty-one years of age or for  
the purpose of furnishing the handgun-firearm in violation of  
division (A) ~~(3)~~ (2) of this section to a person who is under  
twenty-one years of age;~~

~~(6) Purchase or attempt to purchase any firearm with the  
intent to sell the firearm in violation of division (A) (1) of  
this section to a person who is under eighteen years of age or  
with the intent to furnish the firearm in violation of division  
(A) (3) of this section to a person who is under eighteen years  
of age;~~

~~(7) (4) Purchase or attempt to purchase any handgun-  
firearm with the intent to sell the handgun-firearm in violation  
of division (A) ~~(2)~~ (1) of this section to a person who is under  
twenty-one years of age or with the intent to furnish the  
handgun-firearm in violation of division (A) ~~(3)~~ (2) of this  
section to a person who is under twenty-one years of age.~~

(B) Divisions (A) (1) and (2) of this section do not apply  
to the sale or furnishing of a handgun-firearm to a person

eighteen years of age or older and under twenty-one years of age 337  
if the person eighteen years of age or older and under twenty- 338  
one years of age is a law enforcement officer who is properly 339  
appointed or employed as a law enforcement officer and has 340  
received firearms training approved by the Ohio peace officer 341  
training council or equivalent firearms training. Divisions (A) 342  
(1) and (2) of this section do not apply to the sale or 343  
furnishing of a ~~handgun~~ firearm to an active duty member of the 344  
armed forces of the United States who has received firearms 345  
training that meets or exceeds the training requirements 346  
described in division (G) (1) of section 2923.125 of the Revised 347  
Code. 348

(C) Whoever violates this section is guilty of improperly 349  
furnishing firearms to ~~a minor~~ an underage person, a felony of 350  
the ~~fifth~~ third degree. 351

**Sec. 2923.211.** (A) No person under ~~eighteen~~ twenty-one 352  
years of age shall purchase or attempt to purchase a firearm. 353

~~(B) No person under twenty-one years of age shall purchase~~ 354  
~~or attempt to purchase a handgun~~, provided that this division 355  
does not apply to the purchase or attempted purchase of a 356  
~~handgun~~ firearm by a person eighteen years of age or older and 357  
under twenty-one years of age if either of the following apply: 358

(1) The person is a law enforcement officer who is 359  
properly appointed or employed as a law enforcement officer and 360  
has received firearms training approved by the Ohio peace 361  
officer training council or equivalent firearms training. 362

(2) The person is an active or reserve member of the armed 363  
services of the United States or the Ohio national guard, or was 364  
honorably discharged from military service in the active or 365

reserve armed services of the United States or the Ohio national 366  
guard, and the person has received firearms training from the 367  
armed services or the national guard or equivalent firearms 368  
training. 369

~~(C)~~ (B) Whoever violates ~~division (A) of this section is~~ 370  
guilty of underage purchase of a firearm~~7~~. If the offender is 371  
under eighteen years of age, underage purchase of a firearm is a 372  
delinquent act that would be a felony of the fourth degree if it 373  
could be committed by an adult. ~~Whoever violates division (B) of~~ 374  
~~this section is guilty of~~ If the offender is eighteen years of 375  
age or older but under twenty-one years of age, underage 376  
purchase of a ~~handgun,~~ firearm is a misdemeanor of the second 377  
degree. 378

**Section 2.** That existing sections 2151.022, 2152.02, 379  
2152.16, 2923.21, and 2923.211 of the Revised Code are hereby 380  
repealed. 381