

**As Reported by the House Government Oversight Committee**

**135th General Assembly**

**Regular Session**

**2023-2024**

**Sub. H. B. No. 51**

**Representatives Loychik, Schmidt**

---

**A BILL**

To amend sections 2923.11, 2923.111, 2923.122, and 1  
2923.17 and to enact section 2923.50 of the 2  
Revised Code to enact the Second Amendment 3  
Preservation Act to add additional protections 4  
to the right to bear arms and to declare an 5  
emergency. 6

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

**Section 1.** That sections 2923.11, 2923.111, 2923.122, and 7  
2923.17 be amended and section 2923.50 of the Revised Code be 8  
enacted to read as follows: 9

**Sec. 2923.11.** As used in sections 2923.11 to 2923.24 of 10  
the Revised Code: 11

(A) "Deadly weapon" means any instrument, device, or thing 12  
capable of inflicting death, and designed or specially adapted 13  
for use as a weapon, or possessed, carried, or used as a weapon. 14

(B) (1) "Firearm" means any deadly weapon capable of 15  
expelling or propelling one or more projectiles by the action of 16  
an explosive or combustible propellant. "Firearm" includes an 17  
unloaded firearm, and any firearm that is inoperable but that 18  
can readily be rendered operable. 19

(2) When determining whether a firearm is capable of expelling or propelling one or more projectiles by the action of an explosive or combustible propellant, the trier of fact may rely upon circumstantial evidence, including, but not limited to, the representations and actions of the individual exercising control over the firearm.

~~(C)~~ (C) (1) "Handgun" means any of the following:

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

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

(2) "Handgun" includes a handgun with an affixed brace, stabilizing device, arm brace, or pistol brace.

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

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

(F) "Sawed-off firearm" means a shotgun with a barrel less than eighteen inches long, or a rifle with a barrel less than sixteen inches long, or a shotgun or rifle less than twenty-six inches long overall. "Sawed-off firearm" does not include a handgun and does not include any firearm with an overall length of at least twenty-six inches ~~that is approved for sale by the federal bureau of alcohol, tobacco, firearms, and explosives under the "Gun Control Act of 1968," 82 Stat. 1213, 18 U.S.C.~~

~~921(a)(3), but that is found by the bureau not to be regulated~~ 49  
~~under the "National Firearms Act," 68A Stat. 725 (1934), 26~~ 50  
~~U.S.C. 5845(a).~~ 51

(G) "Zip-gun" means any of the following: 52

(1) Any firearm of crude and extemporized manufacture; 53

(2) Any device, including without limitation a starter's 54  
pistol, that is not designed as a firearm, but that is specially 55  
adapted for use as a firearm; 56

(3) Any industrial tool, signalling device, or safety 57  
device, that is not designed as a firearm, but that as designed 58  
is capable of use as such, when possessed, carried, or used as a 59  
firearm. 60

(H) "Explosive device" means any device designed or 61  
specially adapted to cause physical harm to persons or property 62  
by means of an explosion, and consisting of an explosive 63  
substance or agency and a means to detonate it. "Explosive 64  
device" includes without limitation any bomb, any explosive 65  
demolition device, any blasting cap or detonator containing an 66  
explosive charge, and any pressure vessel that has been 67  
knowingly tampered with or arranged so as to explode. 68

(I) "Incendiary device" means any firebomb, and any device 69  
designed or specially adapted to cause physical harm to persons 70  
or property by means of fire, and consisting of an incendiary 71  
substance or agency and a means to ignite it. 72

(J) "Ballistic knife" means a knife with a detachable 73  
blade that is propelled by a spring-operated mechanism. 74

(K) "Dangerous ordnance" means any of the following, 75  
except as provided in division (L) of this section: 76

(1) Any automatic or sawed-off firearm, zip-gun, or ballistic knife;	77 78
(2) Any explosive device or incendiary device;	79
(3) Nitroglycerin, nitrocellulose, nitrostarch, PETN, cyclonite, TNT, picric acid, and other high explosives; amatol, tritonal, tetrytol, pentolite, pecretol, cyclotol, and other high explosive compositions; plastic explosives; dynamite, blasting gelatin, gelatin dynamite, sensitized ammonium nitrate, liquid-oxygen blasting explosives, blasting powder, and other blasting agents; and any other explosive substance having sufficient brisance or power to be particularly suitable for use as a military explosive, or for use in mining, quarrying, excavating, or demolitions;	80 81 82 83 84 85 86 87 88 89
(4) Any firearm, rocket launcher, mortar, artillery piece, grenade, mine, bomb, torpedo, or similar weapon, designed and manufactured for military purposes, and the ammunition for that weapon;	90 91 92 93
(5) Any firearm muffler or suppressor;	94
(6) Any combination of parts that is intended by the owner for use in converting any firearm or other device into a dangerous ordnance.	95 96 97
(L) "Dangerous ordnance" does not include any of the following:	98 99
(1) Any firearm, including a military weapon and the ammunition for that weapon, and regardless of its actual age, that employs a percussion cap or other obsolete ignition system, or that is designed and safe for use only with black powder;	100 101 102 103
(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~~any state or federal law; 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
<u>(8) Any handgun with an affixed brace, stabilizing device,</u>	135
<u>arm brace, or pistol brace.</u>	136
(M) "Explosive" means any chemical compound, mixture, or	137
device, the primary or common purpose of which is to function by	138
explosion. "Explosive" includes all materials that have been	139
classified as division 1.1, division 1.2, division 1.3, or	140
division 1.4 explosives by the United States department of	141
transportation in its regulations and includes, but is not	142
limited to, dynamite, black powder, pellet powders, initiating	143
explosives, blasting caps, electric blasting caps, safety fuses,	144
fuse igniters, squibs, cordeau detonant fuses, instantaneous	145
fuses, and igniter cords and igniters. "Explosive" does not	146
include "fireworks," as defined in section 3743.01 of the	147
Revised Code, or any substance or material otherwise meeting the	148
definition of explosive set forth in this section that is	149
manufactured, sold, possessed, transported, stored, or used in	150
any activity described in section 3743.80 of the Revised Code,	151
provided the activity is conducted in accordance with all	152
applicable laws, rules, and regulations, including, but not	153
limited to, the provisions of section 3743.80 of the Revised	154
Code and the rules of the fire marshal adopted pursuant to	155
section 3737.82 of the Revised Code.	156
(N) (1) "Concealed handgun license" or "license to carry a	157
concealed handgun" means, subject to division (N) (2) of this	158
section, a license or temporary emergency license to carry a	159
concealed handgun issued under section 2923.125 or 2923.1213 of	160
the Revised Code or a license to carry a concealed handgun	161
issued by another state with which the attorney general has	162
entered into a reciprocity agreement under section 109.69 of the	163

Revised Code. 164

(2) A reference in any provision of the Revised Code to a 165  
concealed handgun license issued under section 2923.125 of the 166  
Revised Code or a license to carry a concealed handgun issued 167  
under section 2923.125 of the Revised Code means only a license 168  
of the type that is specified in that section. A reference in 169  
any provision of the Revised Code to a concealed handgun license 170  
issued under section 2923.1213 of the Revised Code, a license to 171  
carry a concealed handgun issued under section 2923.1213 of the 172  
Revised Code, or a license to carry a concealed handgun on a 173  
temporary emergency basis means only a license of the type that 174  
is specified in section 2923.1213 of the Revised Code. A 175  
reference in any provision of the Revised Code to a concealed 176  
handgun license issued by another state or a license to carry a 177  
concealed handgun issued by another state means only a license 178  
issued by another state with which the attorney general has 179  
entered into a reciprocity agreement under section 109.69 of the 180  
Revised Code. 181

(O) "Valid concealed handgun license" or "valid license to 182  
carry a concealed handgun" means a concealed handgun license 183  
that is currently valid, that is not under a suspension under 184  
division (A)(1) of section 2923.128 of the Revised Code, under 185  
section 2923.1213 of the Revised Code, or under a suspension 186  
provision of the state other than this state in which the 187  
license was issued, and that has not been revoked under division 188  
(B)(1) of section 2923.128 of the Revised Code, under section 189  
2923.1213 of the Revised Code, or under a revocation provision 190  
of the state other than this state in which the license was 191  
issued. 192

(P) "Misdemeanor punishable by imprisonment for a term 193

exceeding one year" does not include any of the following:	194
(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;	195 196 197 198
(2) Any misdemeanor offense punishable by a term of imprisonment of two years or less.	199 200
(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."	201 202 203 204 205
(R) "Active duty" has the same meaning as defined in 10 U.S.C. 101.	206 207
<b>Sec. 2923.111.</b> (A) As used in this section:	208
(1) "Restricted firearm" means a firearm that is dangerous ordnance or that is a firearm that any law of this state prohibits the subject person from possessing, having, or carrying.	209 210 211 212
(2) "Qualifying adult" means a person who is all of the following:	213 214
(a) Twenty-one years of age or older;	215
(b) Not legally prohibited from possessing or receiving a firearm under <del>18</del> <u>any Revised Code provision</u> ;	216 217
(c) <u>Not within a category of persons specified in 18</u> U.S.C. 922(g) (1) to (9) <del> or under section 2923.13 of the Revised Code or any other Revised Code provision, as that law exists on</del>	218 219 220



the effective date of this amendment; 221

~~(e)~~ (d) Satisfies all of the criteria listed in divisions 222  
(D) (1) (a) to (j), (m), (p), (q), and (s) of section 2923.125 of 223  
the Revised Code. 224

(B) Notwithstanding any other Revised Code section to the 225  
contrary: 226

(1) A person who is a qualifying adult shall not be 227  
required to obtain a concealed handgun license in order to carry 228  
in this state, under authority of division (B) (2) of this 229  
section, a concealed handgun that is not a restricted firearm. 230

(2) Regardless of whether the person has been issued a 231  
concealed handgun license, subject to the limitations specified 232  
in divisions (B) (3) and (C) (2) of this section, a person who is 233  
a qualifying adult may carry a concealed handgun that is not a 234  
restricted firearm anywhere in this state in which a person who 235  
has been issued a concealed handgun license may carry a 236  
concealed handgun. 237

(3) The right of a person who is a qualifying adult to 238  
carry a concealed handgun that is not a restricted firearm that 239  
is granted under divisions (B) (1) and (2) of this section is the 240  
same right as is granted to a person who has been issued a 241  
concealed handgun license, and a qualifying adult who is granted 242  
the right is subject to the same restrictions as apply to a 243  
person who has been issued a concealed handgun license. 244

(C) (1) For purposes of any provision of section 1547.69, 245  
2923.12, or 2923.124 to 2923.1213 of the Revised Code, or of any 246  
other section of the Revised Code, that refers to a concealed 247  
handgun license or a concealed handgun licensee, except when the 248  
context clearly indicates otherwise, all of the following apply: 249

(a) A person who is a qualifying adult and is carrying or 250  
has, concealed on the person's person or ready at hand, a 251  
handgun that is not a restricted firearm shall be deemed to have 252  
been issued a valid concealed handgun license. 253

(b) If the provision refers to a person having been issued 254  
a concealed handgun license or having been issued a concealed 255  
handgun license that is valid at a particular point in time, the 256  
provision shall be construed as automatically including a person 257  
who is a qualifying adult and who is carrying or has, concealed 258  
on the person's person or ready at hand, a handgun that is not a 259  
restricted firearm, as if the person had been issued a concealed 260  
handgun license or had been issued a concealed handgun license 261  
that is valid at the particular point in time. 262

(c) If the provision in specified circumstances requires a 263  
concealed handgun licensee to engage in specified conduct, or 264  
prohibits a concealed handgun licensee from engaging in 265  
specified conduct, the provision shall be construed as applying 266  
in the same circumstances to a person who is a qualifying adult 267  
in the same manner as if the person was a concealed handgun 268  
licensee. 269

(d) If the application of the provision to a person 270  
depends on whether the person is or is not a concealed handgun 271  
licensee, the provision shall be applied to a person who is a 272  
qualifying adult in the same manner as if the person was a 273  
concealed handgun licensee. 274

(e) If the provision pertains to the imposition of a 275  
penalty or sanction for specified conduct and the penalty or 276  
sanction applicable to a person who engages in the conduct 277  
depends on whether the person is or is not a concealed handgun 278  
licensee, the provision shall be applied to a person who is a 279

qualifying adult in the same manner as if the person was a 280  
concealed handgun licensee. 281

(2) The concealed handgun license expiration provisions of 282  
sections 2923.125 and 2923.1213 of the Revised Code, and the 283  
concealed handgun license suspension and revocation provisions 284  
of section 2923.128 of the Revised Code, do not apply with 285  
respect to a person who is a qualifying adult unless the person 286  
has been issued a concealed handgun license. If a person is a 287  
qualifying adult and the person thereafter comes within any 288  
category of persons specified in ~~18 U.S.C. 922(g)(1) to (9) or~~ 289  
~~in~~ section 2923.13 of the Revised Code or any other Revised Code 290  
provision so that the person as a result is legally prohibited 291  
under the applicable provision from possessing or receiving a 292  
firearm, or the person thereafter comes within a category of 293  
persons identified in 18 U.S.C. 922(g)(1) to (9), as that law 294  
exists on the effective date of this amendment, both of the 295  
following apply automatically and immediately upon the person 296  
coming within that category: 297

(a) Division (B) of this section and the authority and 298  
right to carry a concealed handgun that are described in that 299  
division do not apply to the person. 300

(b) The person no longer is deemed to have been issued a 301  
concealed handgun license as described in division (C)(1)(a) of 302  
this section, and the provisions of divisions (C)(1)(a) to (e) 303  
of this section no longer apply to the person in the same manner 304  
as if the person had been issued, possessed, or produced a valid 305  
concealed handgun license or was a concealed handgun licensee. 306

**Sec. 2923.122.** (A) No person shall knowingly convey, or 307  
attempt to convey, a deadly weapon or dangerous ordnance into a 308  
school safety zone. 309

(B) No person shall knowingly possess a deadly weapon or dangerous ordnance in a school safety zone.	310 311
(C) No person shall knowingly possess an object in a school safety zone if both of the following apply:	312 313
(1) The object is indistinguishable from a firearm, whether or not the object is capable of being fired.	314 315
(2) The person indicates that the person possesses the object and that it is a firearm, or the person knowingly displays or brandishes the object and indicates that it is a firearm.	316 317 318 319
(D) (1) This section does not apply to any of the following:	320 321
(a) An officer, agent, or employee of this or any other state or the United States who is authorized to carry deadly weapons or dangerous ordnance and is acting within the scope of the officer's, agent's, or employee's duties;	322 323 324 325
(b) A law enforcement officer who is authorized to carry deadly weapons or dangerous ordnance;	326 327
(c) A security officer employed by a board of education or governing body of a school during the time that the security officer is on duty pursuant to that contract of employment;	328 329 330
(d) Any person not described in divisions (D) (1) (a) to (c) of this section who has written authorization from the board of education or governing body of a school to convey deadly weapons or dangerous ordnance into a school safety zone or to possess a deadly weapon or dangerous ordnance in a school safety zone and who conveys or possesses the deadly weapon or dangerous ordnance in accordance with that authorization, provided both of the	331 332 333 334 335 336 337

following apply: 338

(i) Either the person has successfully completed the 339  
curriculum, instruction, and training established under section 340  
5502.703 of the Revised Code, or the person has received a 341  
certificate of having satisfactorily completed an approved basic 342  
peace officer training program or is a law enforcement officer; 343

(ii) The board or governing body has notified the public, 344  
by whatever means the affected school regularly communicates 345  
with the public, that the board or governing body has authorized 346  
one or more persons to go armed within a school operated by the 347  
board or governing authority. 348

A district board or school governing body that authorizes 349  
a person under division (D) (1) (d) of this section shall require 350  
that person to submit to an annual criminal records check 351  
conducted in the same manner as section 3319.39 or 3319.391 of 352  
the Revised Code. 353

(e) Any person who is employed in this state, who is 354  
authorized to carry deadly weapons or dangerous ordnance, and 355  
who is subject to and in compliance with the requirements of 356  
section 109.801 of the Revised Code, unless the appointing 357  
authority of the person has expressly specified that the 358  
exemption provided in division (D) (1) (e) of this section does 359  
not apply to the person. 360

(2) Division (C) of this section does not apply to 361  
premises upon which home schooling is conducted. Division (C) of 362  
this section also does not apply to a school administrator, 363  
teacher, or employee who possesses an object that is 364  
indistinguishable from a firearm for legitimate school purposes 365  
during the course of employment, a student who uses an object 366

that is indistinguishable from a firearm under the direction of 367  
a school administrator, teacher, or employee, or any other 368  
person who with the express prior approval of a school 369  
administrator possesses an object that is indistinguishable from 370  
a firearm for a legitimate purpose, including the use of the 371  
object in a ceremonial activity, a play, reenactment, or other 372  
dramatic presentation, school safety training, or a ROTC 373  
activity or another similar use of the object. 374

(3) This section does not apply to a person who conveys or 375  
attempts to convey a handgun into, or possesses a handgun in, a 376  
school safety zone if, at the time of that conveyance, attempted 377  
conveyance, or possession of the handgun, all of the following 378  
apply: 379

(a) The person does not enter into a school building or 380  
onto school premises and is not at a school activity. 381

(b) The person has been issued a concealed handgun license 382  
that is valid at the time of the conveyance, attempted 383  
conveyance, or possession or the person is an active duty member 384  
of the armed forces of the United States and is carrying a valid 385  
military identification card and documentation of successful 386  
completion of firearms training that meets or exceeds the 387  
training requirements described in division (G)(1) of section 388  
2923.125 of the Revised Code. 389

(c) The person is in ~~the school safety zone in accordance~~ 390  
~~with 18 U.S.C. 922(q)(2)(B)~~ compliance with any applicable state 391  
or federal law. 392

(d) The person is not knowingly in a place described in 393  
division (B)(1) or (B)(3) to (8) of section 2923.126 of the 394  
Revised Code. 395

(4) This section does not apply to a person who conveys or 396  
attempts to convey a handgun into, or possesses a handgun in, a 397  
school safety zone if at the time of that conveyance, attempted 398  
conveyance, or possession of the handgun all of the following 399  
apply: 400

(a) The person has been issued a concealed handgun license 401  
that is valid at the time of the conveyance, attempted 402  
conveyance, or possession or the person is an active duty member 403  
of the armed forces of the United States and is carrying a valid 404  
military identification card and documentation of successful 405  
completion of firearms training that meets or exceeds the 406  
training requirements described in division (G)(1) of section 407  
2923.125 of the Revised Code. 408

(b) The person leaves the handgun in a motor vehicle. 409

(c) The handgun does not leave the motor vehicle. 410

(d) If the person exits the motor vehicle, the person 411  
locks the motor vehicle. 412

(E)(1) Whoever violates division (A) or (B) of this 413  
section is guilty of illegal conveyance or possession of a 414  
deadly weapon or dangerous ordnance in a school safety zone. 415  
Except as otherwise provided in this division, illegal 416  
conveyance or possession of a deadly weapon or dangerous 417  
ordnance in a school safety zone is a felony of the fifth 418  
degree. If the offender previously has been convicted of a 419  
violation of this section, illegal conveyance or possession of a 420  
deadly weapon or dangerous ordnance in a school safety zone is a 421  
felony of the fourth degree. 422

(2) Whoever violates division (C) of this section is 423  
guilty of illegal possession of an object indistinguishable from 424

a firearm in a school safety zone. Except as otherwise provided 425  
in this division, illegal possession of an object 426  
indistinguishable from a firearm in a school safety zone is a 427  
misdemeanor of the first degree. If the offender previously has 428  
been convicted of a violation of this section, illegal 429  
possession of an object indistinguishable from a firearm in a 430  
school safety zone is a felony of the fifth degree. 431

(F) (1) In addition to any other penalty imposed upon a 432  
person who is convicted of or pleads guilty to a violation of 433  
this section and subject to division (F) (2) of this section, if 434  
the offender has not attained nineteen years of age, regardless 435  
of whether the offender is attending or is enrolled in a school 436  
operated by a board of education or for which the director of 437  
education and workforce prescribes minimum standards under 438  
section 3301.07 of the Revised Code, the court shall impose upon 439  
the offender a class four suspension of the offender's 440  
probationary driver's license, restricted license, driver's 441  
license, commercial driver's license, temporary instruction 442  
permit, or probationary commercial driver's license that then is 443  
in effect from the range specified in division (A) (4) of section 444  
4510.02 of the Revised Code and shall deny the offender the 445  
issuance of any permit or license of that type during the period 446  
of the suspension. 447

If the offender is not a resident of this state, the court 448  
shall impose a class four suspension of the nonresident 449  
operating privilege of the offender from the range specified in 450  
division (A) (4) of section 4510.02 of the Revised Code. 451

(2) If the offender shows good cause why the court should 452  
not suspend one of the types of licenses, permits, or privileges 453  
specified in division (F) (1) of this section or deny the 454



issuance of one of the temporary instruction permits specified 455  
in that division, the court in its discretion may choose not to 456  
impose the suspension, revocation, or denial required in that 457  
division, but the court, in its discretion, instead may require 458  
the offender to perform community service for a number of hours 459  
determined by the court. 460

(G) As used in this section, "object that is 461  
indistinguishable from a firearm" means an object made, 462  
constructed, or altered so that, to a reasonable person without 463  
specialized training in firearms, the object appears to be a 464  
firearm. 465

**Sec. 2923.17.** (A) No person shall knowingly acquire, have, 466  
carry, or use any dangerous ordnance. 467

(B) No person shall manufacture or process an explosive at 468  
any location in this state unless the person first has been 469  
issued a license, certificate of registration, or permit to do 470  
so from a fire official of a political subdivision of this state 471  
or from the office of the fire marshal. 472

(C) Division (A) of this section does not apply to: 473

(1) Officers, agents, or employees of this or any other 474  
state or the United States, members of the armed forces of the 475  
United States or the organized militia of this or any other 476  
state, and law enforcement officers, to the extent that any such 477  
person is authorized to acquire, have, carry, or use dangerous 478  
ordnance and is acting within the scope of the person's duties; 479

(2) Importers, manufacturers, dealers, and users of 480  
explosives, having a license or user permit issued and in effect 481  
pursuant to the "Organized Crime Control Act of 1970," 84 Stat. 482  
952, 18 U.S.C. 843, and any amendments or additions thereto or 483

reenactments thereof, with respect to explosives and explosive 484  
devices lawfully acquired, possessed, carried, or used under the 485  
laws of this state and applicable federal law; 486

(3) Importers, manufacturers, and dealers having a license 487  
to deal in destructive devices or their ammunition, ~~issued and~~ 488  
~~in effect pursuant to the "Gun Control Act of 1968," 82 Stat.~~ 489  
~~1213, 18 U.S.C. 923, and any amendments or additions thereto or~~ 490  
~~reenactments thereof,~~ with respect to dangerous ordnance 491  
lawfully acquired, possessed, carried, or used under the laws of 492  
this state ~~and or~~ applicable federal law; 493

(4) Persons to whom surplus ordnance has been sold, 494  
loaned, or given by the secretary of the army ~~pursuant to 70A-~~ 495  
~~Stat. 262 and 263, 10 U.S.C. 4684, 4685, and 4686, and any~~ 496  
~~amendments or additions thereto or reenactments thereof,~~ with 497  
respect to dangerous ordnance when lawfully possessed and used 498  
~~for the purposes specified in such section~~ in compliance with any 499  
applicable state or federal law; 500

(5) Owners of dangerous ordnance ~~registered in the~~ 501  
~~national firearms registration and transfer record pursuant to~~ 502  
~~the act of October 22, 1968, 82 Stat. 1229, 26 U.S.C. 5841, and~~ 503  
~~any amendments or additions thereto or reenactments thereof, and~~ 504  
~~regulations issued thereunder.~~ in compliance with any applicable 505  
state or federal law; 506

(6) Carriers, warehouses, and others engaged in the 507  
business of transporting or storing goods for hire, with respect 508  
to dangerous ordnance lawfully transported or stored in the 509  
usual course of their business and in compliance with the laws 510  
of this state ~~and or~~ applicable federal law; 511

(7) The holders of a license or temporary permit issued 512

and in effect pursuant to section 2923.18 of the Revised Code, 513  
with respect to dangerous ordnance lawfully acquired, possessed, 514  
carried, or used for the purposes and in the manner specified in 515  
such license or permit; 516

(8) Persons who own a dangerous ordnance that is a firearm 517  
muffler or suppressor attached to a gun that is authorized to be 518  
used for hunting by section 1533.16 of the Revised Code and who 519  
are authorized to use such a dangerous ordnance by section 520  
1533.04 of the Revised Code. 521

(D) Whoever violates division (A) of this section is 522  
guilty of unlawful possession of dangerous ordnance, a felony of 523  
the fifth degree. 524

(E) Whoever violates division (B) of this section is 525  
guilty of illegally manufacturing or processing explosives, a 526  
felony of the second degree. 527

**Sec. 2923.50.** (A) For purposes of this section: 528

"Violent felony offense" has the same meaning as in 529  
section 2923.132 of the Revised Code. 530

"Law-abiding citizen" means a person who is not otherwise 531  
precluded under state law from possessing a firearm and shall 532  
not be construed to include anyone who is not legally present in 533  
the United States or this state. 534

"Law enforcement officer" has the same meaning as in 535  
section 9.69 of the Revised Code. 536

"Material aid or support" includes voluntarily giving or 537  
allowing others to make use of lodging, communications equipment 538  
or services including social media accounts, facilities, 539  
weapons, personnel, transportation, clothing, or other physical 540

assets. "Material aid or support" does not include giving or 541  
allowing the use of medicine or other materials necessary to 542  
treat physical injuries, nor shall the term include any 543  
assistance provided to help persons escape a serious, present 544  
risk of life-threatening injury. 545

"Political subdivision" means a county, township, 546  
municipal corporation, or any other body corporate and politic 547  
responsible for governmental activities in a geographic area 548  
smaller than that of the state. 549

"Public office" includes any state agency, public 550  
institution, political subdivision, or other organized body, 551  
office, agency, institution, or entity established by the laws 552  
of this state for the exercise of any function of government. 553

"Public officer" includes all officers, employees, or duly 554  
authorized representatives or agents of a public office. 555

(B) No public office, public officer, or employee of the 556  
state or a political subdivision shall enforce, attempt to 557  
enforce, or participate in any way in the enforcement of any 558  
federal acts, executive orders, administrative orders, rules, 559  
regulations, statutes, or ordinances regarding firearms, firearm 560  
accessories, or ammunition. 561

(C) No public office, public officer, or employee of the 562  
state or a political subdivision shall accede to a request from 563  
another to give material aid or support to the efforts of the 564  
other in the enforcement of or implementation of any federal 565  
acts, laws, executive orders, rules, regulations, or ordinances 566  
regarding firearms, firearm accessories, or ammunition. 567

(D) Sovereign immunity shall not be an affirmative defense 568  
in any action pursuant to this section. 569

(E) (1) Notwithstanding anything to the contrary in 570  
Chapters 2743. and 2744. of the Revised Code, if the state or a 571  
political subdivision employs a law enforcement officer who 572  
knowingly violates division (B) or (C) of this section, the 573  
state or political subdivision shall be liable to the injured 574  
party in an action at law, suit in equity, or other proper 575  
proceeding for redress, and subject to a fifty-thousand-dollar 576  
civil penalty per occurrence. 577

(2) Any person injured under this division shall have 578  
standing to pursue an action for injunctive relief in the court 579  
of common pleas of the county in which the action allegedly 580  
occurred or in the court of common pleas of Franklin county with 581  
respect to the actions of such officer. The court shall hold a 582  
hearing on the motion for temporary restraining order and 583  
preliminary injunction within thirty days of service of the 584  
petition. In such actions, notwithstanding anything to the 585  
contrary in Chapters 2743. and 2744. of the Revised Code, the 586  
court may award the prevailing party, other than the state of 587  
Ohio or any political subdivision of the state, reasonable 588  
attorney's fees and costs. 589

(F) (1) If the state or any political subdivision of the 590  
state knowingly employs an individual who is acting as or 591  
previously acted as an official, agent, employee, or deputy of 592  
the government of the United States, or otherwise acting under 593  
the color of federal law within the borders of this state, and 594  
who knowingly does either of the following after the effective 595  
date of this section, the state or political subdivision shall 596  
be subject to a civil penalty of fifty thousand dollars per 597  
employee hired by the state or political subdivision who 598  
violates the applicable provision: 599

(a) Enforces, attempts to enforce, or participates in any way in the enforcement or implementation of any federal acts, laws, executive orders, rules, regulations, statutes, or ordinances regarding firearms, firearm accessories, or ammunition; 600  
601  
602  
603  
604

(b) Gives material aid or support to the efforts of another in the enforcement or implementation of any federal acts, laws, executive orders, administrative orders, rules, regulations, statutes, or ordinances regarding firearms, firearm accessories, or ammunition. 605  
606  
607  
608  
609

(2) Any person residing or conducting business in the state or a political subdivision of the state who believes that a law enforcement officer of the state or of the political subdivision of the state has taken action as described in division (F)(1) of this section shall have standing to pursue an action for injunctive relief in the court of common pleas of the county in which the action allegedly occurred, or in the court of common pleas of Franklin county, with respect to the actions of such law enforcement officer. The court shall hold a hearing on the motion for temporary restraining order and preliminary injunction within thirty days of service of the petition. In such actions, the court may award the prevailing party, other than the state of Ohio or any political subdivision of the state, reasonable attorney's fees and costs. 610  
611  
612  
613  
614  
615  
616  
617  
618  
619  
620  
621  
622  
623

(G) Nothing in this section shall be construed to prohibit public officers or employees of the state or a political subdivision of the state from requesting or accepting aid from federal officials in an effort to enforce laws of the state or of a political subdivision for either of the following: 624  
625  
626  
627  
628

(1) Referring firearm cases to any United States attorney 629

for potential prosecution if such case is a violent felony 630  
offense and if that prosecution would entail prosecution of 631  
violations substantially similar to those found in Chapters 632  
2901. to 2911. of the Revised Code involving the use of a 633  
weapon, provided that such weapons violations are merely 634  
ancillary to that prosecution. 635

(2) Participating with federal law enforcement to enforce 636  
laws of the state or a political subdivision in any national 637  
integrated ballistic information network investigation or lead, 638  
or distributing such leads, whether or not through a crime gun 639  
intelligence center. 640

(H) It shall not be considered a violation of this section 641  
to provide material aid to federal officials who are in pursuit 642  
of a suspect when there is a demonstrable criminal nexus with 643  
another state or country and such suspect is either not a 644  
citizen of this state or is not present in this state. 645

(I) It shall not be considered a violation of this section 646  
to provide material aid to federal prosecutions for either of 647  
the following: 648

(1) Felony crimes against a person when such prosecution 649  
includes weapons violations substantially similar to those found 650  
in sections 2923.11 to 2923.25 of the Revised Code, so long as 651  
such weapons violations are merely ancillary to such 652  
prosecution; 653

(2) Class A or class B felony violations, as designated 654  
under federal law, substantially similar to those found in 655  
Chapter 2925. of the Revised Code when such prosecution includes 656  
weapons violations substantially similar to those found in 657  
sections 2923.11 to 2923.25 of the Revised Code, so long as such 658

weapons violations are merely ancillary to such prosecution. 659

(J) Nothing in this section shall be construed to prohibit 660  
a public officer or employee of the state or a political 661  
subdivision from participating in an inter-jurisdictional task 662  
force for the purpose of enforcing laws not related to firearms, 663  
firearm accessories, or ammunition. 664

(K) (1) As specified in section 1.50 of the Revised Code, 665  
if any provision of a section of the Revised Code or the 666  
application thereof to any person or circumstance is held 667  
invalid, the invalidity does not affect other provisions or 668  
applications of the section or related sections which can be 669  
given effect without the invalid provision or application, and 670  
to this end the provisions are severable. 671

(2) Section 2923.50 of the Revised Code shall be strictly 672  
construed against the state and shall be liberally construed in 673  
favor of the rights of law-abiding citizens. 674

(L) The general assembly of the state of Ohio finds and 675  
declares that: 676

(1) The general assembly of the state of Ohio is firmly 677  
resolved to support and defend the Constitution of the United 678  
States against every aggression, whether foreign or domestic, 679  
and is duty-bound to oppose every infraction of those principles 680  
that constitute the basis of the union of the states because 681  
only a faithful observance of those principles can secure the 682  
union's existence and the public happiness. 683

(2) Acting through the Constitution of the United States, 684  
the people of the several states created the federal government 685  
to be their agent in the exercise of a few defined powers, while 686  
reserving for the state governments the power to legislate on 687



matters concerning the lives, liberties, and properties of 688  
citizens in the ordinary course of affairs. 689

(3) The limitation of the federal government's power is 690  
affirmed under the Tenth Amendment to the United States 691  
Constitution, which defines the total scope of federal powers as 692  
being those which have been delegated by the people of the 693  
several states to the federal government, and all powers not 694  
delegated to the federal government in the Constitution of the 695  
United States are reserved to the states respectively or the 696  
people themselves. 697

(4) If the federal government assumes powers that the 698  
people did not grant it in the Constitution of the United 699  
States, its acts are unauthoritative and of no force. 700

(5) The several states of the United States respect the 701  
proper role of the federal government but reject the proposition 702  
that such respect requires unlimited submission. If the federal 703  
government, created by a compact among the states, were the 704  
exclusive or final judge of the extent of the powers granted to 705  
it by the states through the Constitution of the United States, 706  
the federal government's discretion, and not the Constitution of 707  
the United States, would necessarily become the measure of those 708  
powers. To the contrary, as in all other cases of compacts among 709  
powers having no common judge, each party has an equal right to 710  
judge for itself as to whether infractions of the compact have 711  
occurred, as well as to determine the mode and measure of 712  
redress. Although the several states have granted supremacy to 713  
laws and treaties made under the powers granted in the 714  
Constitution of the United States, such supremacy does not 715  
extend to various federal statutes, executive orders, 716  
administrative orders, court orders, rules, regulations, or 717

other actions that collect data or restrict or prohibit the 718  
manufacture, ownership, and use of firearms, firearm 719  
accessories, or ammunition exclusively within the borders of 720  
Ohio; such statutes, executive orders, administrative orders, 721  
court orders, rules, regulations, and other actions exceed the 722  
powers granted to the federal government except to the extent 723  
they are necessary and proper for governing and regulating the 724  
United States armed forces or for organizing, arming, and 725  
disciplining militia forces actively employed in the service of 726  
the United States armed forces. 727

(6) The people of the several states have given congress 728  
the power "to regulate commerce with foreign nations, and among 729  
the several states," but "regulating commerce" does not include 730  
the power to limit citizens' right to keep and bear arms in 731  
defense of their families, neighbors, persons, or property nor 732  
to dictate what sort of arms and accessories law-abiding 733  
citizens may buy, sell, exchange, or otherwise possess within 734  
the borders of this state. 735

(7) The people of the several states also have granted 736  
congress the power "to lay and collect taxes, duties, imports, 737  
and excises, to pay the debts, and provide for the common 738  
defense and general welfare of the United States" and "to make 739  
all laws which shall be necessary and proper for carrying into 740  
execution the powers vested by the Constitution of the United 741  
States in the government of the United States, or in any 742  
department or office thereof." These constitutional provisions 743  
merely identify the means by which the federal government may 744  
execute its limited powers and shall not be construed to grant 745  
unlimited power because to do so would be to destroy the 746  
carefully constructed equilibrium between the federal and state 747  
governments. Consequently, the general assembly rejects any 748

claim that the taxing and spending powers of congress may be 749  
used to diminish in any way the right of the people to keep and 750  
bear arms. 751

(8) The general assembly of the state of Ohio finds that 752  
the federal excise tax rate on arms and ammunition in effect 753  
before January 1, 2021, which funds programs under the Wildlife 754  
Restoration Act, does not have a chilling effect on the purchase 755  
or ownership of such arms and ammunition. 756

(9) The people of Ohio have vested the general assembly 757  
with the authority to regulate the manufacture, possession, 758  
exchange, and use of firearms within the borders of this state, 759  
subject only to the limits imposed by the Second Amendment to 760  
the United States Constitution and the Constitution of Ohio. 761

(10) The general assembly of the state of Ohio strongly 762  
promotes responsible gun ownership, including parental 763  
supervision of minors in the proper use, storage, and ownership 764  
of all firearms; the prompt reporting of stolen firearms; and 765  
the proper enforcement of all state gun laws. The general 766  
assembly of the state of Ohio hereby condemns any unlawful 767  
transfer of firearms and the use of any firearm in any criminal 768  
or unlawful activity. 769

**Section 2.** That existing sections 2923.11, 2923.111, 770  
2923.122, and 2923.17 of the Revised Code are hereby repealed. 771

**Section 3.** This act shall be known as the Second Amendment 772  
Preservation Act. 773

**Section 4.** This act is hereby declared to be an emergency 774  
measure necessary for the immediate preservation of the public 775  
peace, health, and safety. The reason for such necessity is that 776  
immediate action is necessary to ensure the limitation of the 777

federal government's power and to protect the citizens' right to 778  
bear arms. Therefore, this act shall go into immediate effect. 779