

As Introduced

132nd General Assembly

Regular Session

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S. B. No. 284

Senators Thomas, Schiavoni

Cosponsors: Senators Skindell, Williams, Brown, Tavares, Yuko, Sykes

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 a minor. 5

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

Section 1. That sections 2151.022, 2152.02, 2152.16, 6
2923.21, and 2923.211 of the Revised Code be amended to read as 7
follows: 8

Sec. 2151.022. As used in this chapter, "unruly child" 9
includes any of the following: 10

(A) Any child who does not submit to the reasonable 11
control of the child's parents, teachers, guardian, or 12
custodian, by reason of being wayward or habitually disobedient; 13

(B) Any child who is an habitual truant from school; 14

(C) Any child who behaves in a manner as to injure or 15
endanger the child's own health or morals or the health or 16
morals of others; 17

(D) Any child who violates a law, other than division (C) 18
of section 2907.39, ~~division (A) of section 2923.211,~~ division 19
(C) (1) or (D) of section 2925.55, or section 2151.87 or 2923.211 20
of the Revised Code, that is applicable only to a child. 21

Sec. 2152.02. As used in this chapter: 22

(A) "Act charged" means the act that is identified in a 23
complaint, indictment, or information alleging that a child is a 24
delinquent child. 25

(B) "Admitted to a department of youth services facility" 26
includes admission to a facility operated, or contracted for, by 27
the department and admission to a comparable facility outside 28
this state by another state or the United States. 29

(C) (1) "Child" means a person who is under eighteen years 30
of age, except as otherwise provided in divisions (C) (2) to (8) 31
of this section. 32

(2) Subject to division (C) (3) of this section, any person 33
who violates a federal or state law or a municipal ordinance 34
prior to attaining eighteen years of age shall be deemed a 35
"child" irrespective of that person's age at the time the 36
complaint with respect to that violation is filed or the hearing 37
on the complaint is held. 38

(3) Any person who, while under eighteen years of age, 39
commits an act that would be a felony if committed by an adult 40
and who is not taken into custody or apprehended for that act 41
until after the person attains twenty-one years of age is not a 42
child in relation to that act. 43

(4) Except as otherwise provided in divisions (C) (5) and 44
(7) of this section, any person whose case is transferred for 45
criminal prosecution pursuant to section 2152.12 of the Revised 46

Code shall be deemed after the transfer not to be a child in the 47
transferred case. 48

(5) Any person whose case is transferred for criminal 49
prosecution pursuant to section 2152.12 of the Revised Code and 50
who subsequently is convicted of or pleads guilty to a felony in 51
that case, unless a serious youthful offender dispositional 52
sentence is imposed on the child for that offense under division 53
(B) (2) or (3) of section 2152.121 of the Revised Code and the 54
adult portion of that sentence is not invoked pursuant to 55
section 2152.14 of the Revised Code, and any person who is 56
adjudicated a delinquent child for the commission of an act, who 57
has a serious youthful offender dispositional sentence imposed 58
for the act pursuant to section 2152.13 of the Revised Code, and 59
whose adult portion of the dispositional sentence is invoked 60
pursuant to section 2152.14 of the Revised Code, shall be deemed 61
after the conviction, plea, or invocation not to be a child in 62
any case in which a complaint is filed against the person. 63

(6) The juvenile court has jurisdiction over a person who 64
is adjudicated a delinquent child or juvenile traffic offender 65
prior to attaining eighteen years of age until the person 66
attains twenty-one years of age, and, for purposes of that 67
jurisdiction related to that adjudication, except as otherwise 68
provided in this division, a person who is so adjudicated a 69
delinquent child or juvenile traffic offender shall be deemed a 70
"child" until the person attains twenty-one years of age. If a 71
person is so adjudicated a delinquent child or juvenile traffic 72
offender and the court makes a disposition of the person under 73
this chapter, at any time after the person attains twenty-one 74
years of age, the places at which the person may be held under 75
that disposition are not limited to places authorized under this 76
chapter solely for confinement of children, and the person may 77

be confined under that disposition, in accordance with division 78
(F) (2) of section 2152.26 of the Revised Code, in places other 79
than those authorized under this chapter solely for confinement 80
of children. 81

(7) The juvenile court has jurisdiction over any person 82
whose case is transferred for criminal prosecution solely for 83
the purpose of detaining the person as authorized in division 84
(F) (1) or (4) of section 2152.26 of the Revised Code unless the 85
person is convicted of or pleads guilty to a felony in the adult 86
court. 87

(8) Any person who, while eighteen years of age, violates 88
division (A) (1) or (2) of section 2919.27 of the Revised Code by 89
violating a protection order issued or consent agreement 90
approved under section 2151.34 or 3113.31 of the Revised Code 91
shall be considered a child for the purposes of that violation 92
of section 2919.27 of the Revised Code. 93

(D) "Community corrections facility," "public safety 94
beds," "release authority," and "supervised release" have the 95
same meanings as in section 5139.01 of the Revised Code. 96

(E) "Delinquent child" includes any of the following: 97

(1) Any child, except a juvenile traffic offender, who 98
violates any law of this state or the United States, or any 99
ordinance of a political subdivision of the state, that would be 100
an offense if committed by an adult; 101

(2) Any child who violates any lawful order of the court 102
made under this chapter, including a child who violates a court 103
order regarding the child's prior adjudication as an unruly 104
child for being an habitual truant; 105

(3) Any child who violates any lawful order of the court 106

made under Chapter 2151. of the Revised Code other than an order 107
issued under section 2151.87 of the Revised Code; 108

(4) Any child who violates division (C) of section 109
2907.39, ~~division (A) of section 2923.211, or~~ division (C) (1) or 110
(D) of section 2925.55, or section 2923.211 of the Revised Code. 111

(F) "Discretionary serious youthful offender" means a 112
person who is eligible for a discretionary SYO and who is not 113
transferred to adult court under a mandatory or discretionary 114
transfer. 115

(G) "Discretionary SYO" means a case in which the juvenile 116
court, in the juvenile court's discretion, may impose a serious 117
youthful offender disposition under section 2152.13 of the 118
Revised Code. 119

(H) "Discretionary transfer" means that the juvenile court 120
has discretion to transfer a case for criminal prosecution under 121
division (B) of section 2152.12 of the Revised Code. 122

(I) "Drug abuse offense," "felony drug abuse offense," and 123
"minor drug possession offense" have the same meanings as in 124
section 2925.01 of the Revised Code. 125

(J) "Electronic monitoring" and "electronic monitoring 126
device" have the same meanings as in section 2929.01 of the 127
Revised Code. 128

(K) "Economic loss" means any economic detriment suffered 129
by a victim of a delinquent act or juvenile traffic offense as a 130
direct and proximate result of the delinquent act or juvenile 131
traffic offense and includes any loss of income due to lost time 132
at work because of any injury caused to the victim and any 133
property loss, medical cost, or funeral expense incurred as a 134
result of the delinquent act or juvenile traffic offense. 135

"Economic loss" does not include non-economic loss or any	136
punitive or exemplary damages.	137
(L) "Firearm" has the same meaning as in section 2923.11	138
of the Revised Code.	139
(M) "Intellectual disability" has the same meaning as in	140
section 5123.01 of the Revised Code.	141
(N) "Juvenile traffic offender" means any child who	142
violates any traffic law, traffic ordinance, or traffic	143
regulation of this state, the United States, or any political	144
subdivision of this state, other than a resolution, ordinance,	145
or regulation of a political subdivision of this state the	146
violation of which is required to be handled by a parking	147
violations bureau or a joint parking violations bureau pursuant	148
to Chapter 4521. of the Revised Code.	149
(O) A "legitimate excuse for absence from the public	150
school the child is supposed to attend" has the same meaning as	151
in section 2151.011 of the Revised Code.	152
(P) "Mandatory serious youthful offender" means a person	153
who is eligible for a mandatory SYO and who is not transferred	154
to adult court under a mandatory or discretionary transfer and	155
also includes, for purposes of imposition of a mandatory serious	156
youthful dispositional sentence under section 2152.13 of the	157
Revised Code, a person upon whom a juvenile court is required to	158
impose such a sentence under division (B) (3) of section 2152.121	159
of the Revised Code.	160
(Q) "Mandatory SYO" means a case in which the juvenile	161
court is required to impose a mandatory serious youthful	162
offender disposition under section 2152.13 of the Revised Code.	163
(R) "Mandatory transfer" means that a case is required to	164

be transferred for criminal prosecution under division (A) of 165
section 2152.12 of the Revised Code. 166

(S) "Mental illness" has the same meaning as in section 167
5122.01 of the Revised Code. 168

(T) "Monitored time" and "repeat violent offender" have 169
the same meanings as in section 2929.01 of the Revised Code. 170

(U) "Of compulsory school age" has the same meaning as in 171
section 3321.01 of the Revised Code. 172

(V) "Public record" has the same meaning as in section 173
149.43 of the Revised Code. 174

(W) "Serious youthful offender" means a person who is 175
eligible for a mandatory SYO or discretionary SYO but who is not 176
transferred to adult court under a mandatory or discretionary 177
transfer and also includes, for purposes of imposition of a 178
mandatory serious youthful dispositional sentence under section 179
2152.13 of the Revised Code, a person upon whom a juvenile court 180
is required to impose such a sentence under division (B) (3) of 181
section 2152.121 of the Revised Code. 182

(X) "Sexually oriented offense," "juvenile offender 183
registrant," "child-victim oriented offense," "tier I sex 184
offender/child-victim offender," "tier II sex offender/child- 185
victim offender," "tier III sex offender/child-victim offender," 186
and "public registry-qualified juvenile offender registrant" 187
have the same meanings as in section 2950.01 of the Revised 188
Code. 189

(Y) "Traditional juvenile" means a case that is not 190
transferred to adult court under a mandatory or discretionary 191
transfer, that is eligible for a disposition under sections 192
2152.16, 2152.17, 2152.19, and 2152.20 of the Revised Code, and 193

that is not eligible for a disposition under section 2152.13 of the Revised Code.	194 195
(Z) "Transfer" means the transfer for criminal prosecution of a case involving the alleged commission by a child of an act that would be an offense if committed by an adult from the juvenile court to the appropriate court that has jurisdiction of the offense.	196 197 198 199 200
(AA) "Category one offense" means any of the following:	201
(1) A violation of section 2903.01 or 2903.02 of the Revised Code;	202 203
(2) A violation of section 2923.02 of the Revised Code involving an attempt to commit aggravated murder or murder.	204 205
(BB) "Category two offense" means any of the following:	206
(1) A violation of section 2903.03, 2905.01, 2907.02, 2909.02, 2911.01, or 2911.11 of the Revised Code;	207 208
(2) A violation of section 2903.04 of the Revised Code that is a felony of the first degree;	209 210
(3) A violation of section 2907.12 of the Revised Code as it existed prior to September 3, 1996.	211 212
(CC) "Non-economic loss" means nonpecuniary harm suffered by a victim of a delinquent act or juvenile traffic offense as a result of or related to the delinquent act or juvenile traffic offense, including, but not limited to, pain and suffering; loss of society, consortium, companionship, care, assistance, attention, protection, advice, guidance, counsel, instruction, training, or education; mental anguish; and any other intangible loss.	213 214 215 216 217 218 219 220

Sec. 2152.16. (A) (1) If a child is adjudicated a 221
delinquent child for committing an act that would be a felony if 222
committed by an adult, the juvenile court may commit the child 223
to the legal custody of the department of youth services for 224
secure confinement as follows: 225

(a) For an act that would be aggravated murder or murder 226
if committed by an adult, until the offender attains twenty-one 227
years of age; 228

(b) For a violation of section 2923.02 of the Revised Code 229
that involves an attempt to commit an act that would be 230
aggravated murder or murder if committed by an adult, a minimum 231
period of six to seven years as prescribed by the court and a 232
maximum period not to exceed the child's attainment of twenty- 233
one years of age; 234

(c) For a violation of section 2903.03, 2905.01, 2909.02, 235
or 2911.01 or division (A) of section 2903.04 of the Revised 236
Code or for a violation of any provision of section 2907.02 of 237
the Revised Code other than division (A) (1) (b) of that section 238
when the sexual conduct or insertion involved was consensual and 239
when the victim of the violation of division (A) (1) (b) of that 240
section was older than the delinquent child, was the same age as 241
the delinquent child, or was less than three years younger than 242
the delinquent child, for an indefinite term consisting of a 243
minimum period of one to three years, as prescribed by the 244
court, and a maximum period not to exceed the child's attainment 245
of twenty-one years of age; 246

(d) If the child is adjudicated a delinquent child for 247
committing an act that is not described in division (A) (1) (b) or 248
(c) of this section and that would be a felony of the first or 249
second degree if committed by an adult, for an indefinite term 250

consisting of a minimum period of one year and a maximum period 251
not to exceed the child's attainment of twenty-one years of age. 252

(e) For committing an act that would be a felony of the 253
third, fourth, or fifth degree if committed by an adult or for a 254
violation of ~~division (A) of~~ section 2923.211 of the Revised 255
Code, for an indefinite term consisting of a minimum period of 256
six months and a maximum period not to exceed the child's 257
attainment of twenty-one years of age. 258

(2) In each case in which a court makes a disposition 259
under this section, the court retains control over the 260
commitment for the minimum period specified by the court in 261
divisions (A) (1) (a) to (e) of this section. During the minimum 262
period, the department of youth services shall not move the 263
child to a nonsecure setting without the permission of the court 264
that imposed the disposition. 265

(B) (1) Subject to division (B) (2) of this section, if a 266
delinquent child is committed to the department of youth 267
services under this section, the department may release the 268
child at any time after the minimum period specified by the 269
court in division (A) (1) of this section ends. 270

(2) A commitment under this section is subject to a 271
supervised release or to a discharge of the child from the 272
custody of the department for medical reasons pursuant to 273
section 5139.54 of the Revised Code, but, during the minimum 274
period specified by the court in division (A) (1) of this 275
section, the department shall obtain court approval of a 276
supervised release or discharge under that section. 277

(C) If a child is adjudicated a delinquent child, at the 278
dispositional hearing and prior to making any disposition 279

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

Sec. 2923.21. (A) No person shall do any of the following: 292

~~(1) Sell any firearm to a person who is under eighteen-~~ 293
~~years of age;~~ 294

~~(2) Subject to division (B) of this section, sell any~~ 295
~~handgun-firearm~~ to a person who is under twenty-one years of 296
age; 297

~~(3) Furnish any firearm to a person who is under eighteen-~~ 298
~~years of age or, subject~~ (2) Subject to division (B) of this 299
section, furnish any ~~handgun-firearm~~ to a person who is under 300
twenty-one years of age, except for lawful hunting, sporting, or 301
educational purposes, including, but not limited to, instruction 302
in firearms or handgun safety, care, handling, or marksmanship 303
under the supervision or control of a responsible adult; 304

~~(4) Sell or furnish a firearm to a person who is eighteen-~~ 305
~~years of age or older if the seller or furnisher knows, or has~~ 306
~~reason to know, that the person is purchasing or receiving the~~ 307
~~firearm for the purpose of selling the firearm in violation of-~~ 308

~~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
if the person eighteen years of age or older and under twenty-
one years of age is a law enforcement officer who is properly

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

(C) Whoever violates this section is guilty of improperly 348
furnishing firearms to ~~a minor~~ an underage person, a felony of 349
the ~~fifth~~ third degree. 350

Sec. 2923.211. (A) No person under ~~eighteen~~ twenty-one 351
years of age shall purchase or attempt to purchase a firearm. 352

~~(B) No person under twenty one years of age shall purchase~~ 353
~~or attempt to purchase a handgun~~, provided that this division 354
does not apply to the purchase or attempted purchase of a 355
~~handgun~~ firearm by a person eighteen years of age or older and 356
under twenty-one years of age if either of the following apply: 357

(1) The person is a law enforcement officer who is 358
properly appointed or employed as a law enforcement officer and 359
has received firearms training approved by the Ohio peace 360
officer training council or equivalent firearms training. 361

(2) The person is an active or reserve member of the armed 362
services of the United States or the Ohio national guard, or was 363
honorably discharged from military service in the active or 364
reserve armed services of the United States or the Ohio national 365
guard, and the person has received firearms training from the 366
armed services or the national guard or equivalent firearms 367

training. 368

~~(C)~~ (B) Whoever violates ~~division (A) of~~ this section is 369
guilty of underage purchase of a firearm~~7~~. If the offender is 370
under eighteen years of age, underage purchase of a firearm is a 371
delinquent act that would be a felony of the fourth degree if it 372
could be committed by an adult. ~~Whoever violates division (B) of~~ 373
~~this section is guilty of~~ If the offender is eighteen years of 374
age or older but under twenty-one years of age, underage 375
purchase of a ~~handgun,~~ firearm is a misdemeanor of the second 376
degree. 377

Section 2. That existing sections 2151.022, 2152.02, 378
2152.16, 2923.21, and 2923.211 of the Revised Code are hereby 379
repealed. 380