

**As Introduced**

**133rd General Assembly  
Regular Session  
2019-2020**

**S. B. No. 223**

**Senators Thomas, Lehner**

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

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**A BILL**

To amend sections 2923.13 and 2923.14 and to enact 1  
sections 2923.133 and 2923.191 of the Revised 2  
Code to generally prohibit a person from 3  
possessing trigger cranks, bump-fire devices, 4  
or other items that accelerate a semi-automatic 5  
firearm's rate of fire but do not convert it 6  
into an automatic firearm and large capacity 7  
magazines. 8

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

**Section 1.** That sections 2923.13 and 2923.14 be amended 9  
and sections 2923.133 and 2923.191 of the Revised Code be 10  
enacted to read as follows: 11

**Sec. 2923.13.** (A) Unless relieved from disability under 12  
operation of law or legal process, no person shall knowingly 13  
acquire, have, carry, or use any firearm or dangerous ordnance, 14  
if any of the following apply: 15

(1) The person is a fugitive from justice. 16

(2) The person is under indictment for or has been 17  
convicted of any felony offense of violence or has been 18

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

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

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

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

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

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

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

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

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

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

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

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

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

(B) The application shall recite the following: 84

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

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

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

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

(1) One of the following applies: 102

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

control, and parole, or, if the applicant is under indictment,	106
has been released on bail or recognizance.	107
(b) If the disability is based upon a factor other than an	108
indictment, a conviction, or an adjudication, that factor no	109
longer is applicable to the applicant.	110
(2) The applicant has led a law-abiding life since	111
discharge or release, and appears likely to continue to do so.	112
(3) The applicant is not otherwise prohibited by law from	113
acquiring, having, or using firearms.	114
(E) Costs of the proceeding shall be charged as in other	115
civil cases, and taxed to the applicant.	116
(F) Relief from disability granted pursuant to this	117
section restores the applicant to all civil firearm rights to	118
the full extent enjoyed by any citizen, and is subject to the	119
following conditions:	120
(1) Applies only with respect to indictments, convictions,	121
or adjudications, or to the other factor, recited in the	122
application as the basis for the applicant's disability;	123
(2) Applies only with respect to firearms lawfully	124
acquired, possessed, carried, or used by the applicant;	125
(3) May be revoked by the court at any time for good cause	126
shown and upon notice to the applicant;	127
(4) Is automatically void upon commission by the applicant	128
of any offense set forth in division (A) (2) <del>or</del> , (3), (6), or (7)	129
of section 2923.13 of the Revised Code, or upon the applicant's	130
becoming one of the class of persons named in division (A) (1),	131
(4), or (5) of that section.	132

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

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

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

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

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

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

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

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

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