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135th General Assembly
Regular Session
2023-2024

Sub. H. B. No. 51

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, to remove federal 5
firearms law references from the state firearms 6
control law, and to declare an emergency. 7

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

Section 1. That sections 2923.11, 2923.111, 2923.122, and 8
2923.17 be amended and section 2923.50 of the Revised Code be 9
enacted to read as follows: 10

Sec. 2923.11. As used in sections 2923.11 to 2923.24 of 11
the Revised Code: 12

(A) "Deadly weapon" means any instrument, device, or thing 13
capable of inflicting death, and designed or specially adapted 14
for use as a weapon, or possessed, carried, or used as a weapon. 15

(B) (1) "Firearm" means any deadly weapon capable of 16
expelling or propelling one or more projectiles by the action of 17



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an explosive or combustible propellant. "Firearm" includes an unloaded firearm, and any firearm that is inoperable but that can readily be rendered operable.

(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)~~ (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 46
of at least twenty-six inches ~~that is approved for sale by the~~ 47
~~federal bureau of alcohol, tobacco, firearms, and explosives~~ 48
~~under the "Gun Control Act of 1968," 82 Stat. 1213, 18 U.S.C.~~ 49
~~921(a)(3), but that is found by the bureau not to be regulated~~ 50
~~under the "National Firearms Act," 68A Stat. 725 (1934), 26~~ 51
~~U.S.C. 5845(a).~~ 52

(G) "Zip-gun" means any of the following: 53

(1) Any firearm of crude and extemporized manufacture; 54

(2) Any device, including without limitation a starter's 55
pistol, that is not designed as a firearm, but that is specially 56
adapted for use as a firearm; 57

(3) Any industrial tool, signalling device, or safety 58
device, that is not designed as a firearm, but that as designed 59
is capable of use as such, when possessed, carried, or used as a 60
firearm. 61

(H) "Explosive device" means any device designed or 62
specially adapted to cause physical harm to persons or property 63
by means of an explosion, and consisting of an explosive 64
substance or agency and a means to detonate it. "Explosive 65
device" includes without limitation any bomb, any explosive 66
demolition device, any blasting cap or detonator containing an 67
explosive charge, and any pressure vessel that has been 68
knowingly tampered with or arranged so as to explode. 69

(I) "Incendiary device" means any firebomb, and any device 70
designed or specially adapted to cause physical harm to persons 71
or property by means of fire, and consisting of an incendiary 72
substance or agency and a means to ignite it. 73

(J) "Ballistic knife" means a knife with a detachable 74

blade that is propelled by a spring-operated mechanism.	75
(K) "Dangerous ordnance" means any of the following,	76
except as provided in division (L) of this section:	77
(1) Any automatic or sawed-off firearm, zip-gun, or	78
ballistic knife;	79
(2) Any explosive device or incendiary device;	80
(3) Nitroglycerin, nitrocellulose, nitrostarch, PETN,	81
cyclonite, TNT, picric acid, and other high explosives; amatol,	82
tritonite, tetrytol, pentolite, pecretol, cyclotol, and other	83
high explosive compositions; plastic explosives; dynamite,	84
blasting gelatin, gelatin dynamite, sensitized ammonium nitrate,	85
liquid-oxygen blasting explosives, blasting powder, and other	86
blasting agents; and any other explosive substance having	87
sufficient brisance or power to be particularly suitable for use	88
as a military explosive, or for use in mining, quarrying,	89
excavating, or demolitions;	90
(4) Any firearm, rocket launcher, mortar, artillery piece,	91
grenade, mine, bomb, torpedo, or similar weapon, designed and	92
manufactured for military purposes, and the ammunition for that	93
weapon;	94
(5) Any firearm muffler or suppressor;	95
(6) Any combination of parts that is intended by the owner	96
for use in converting any firearm or other device into a	97
dangerous ordnance.	98
(L) "Dangerous ordnance" does not include any of the	99
following:	100
(1) Any firearm, including a military weapon and the	101
ammunition for that weapon, and regardless of its actual age,	102

that employs a percussion cap or other obsolete ignition system, 103
or that is designed and safe for use only with black powder; 104

(2) Any pistol, rifle, or shotgun, designed or suitable 105
for sporting purposes, including a military weapon as issued or 106
as modified, and the ammunition for that weapon, unless the 107
firearm is an automatic or sawed-off firearm; 108

(3) Any cannon or other artillery piece that, regardless 109
of its actual age, is of a type in accepted use prior to 1887, 110
has no mechanical, hydraulic, pneumatic, or other system for 111
absorbing recoil and returning the tube into battery without 112
displacing the carriage, and is designed and safe for use only 113
with black powder; 114

(4) Black powder, priming quills, and percussion caps 115
possessed and lawfully used to fire a cannon of a type defined 116
in division (L) (3) of this section during displays, 117
celebrations, organized matches or shoots, and target practice, 118
and smokeless and black powder, primers, and percussion caps 119
possessed and lawfully used as a propellant or ignition device 120
in small-arms or small-arms ammunition; 121

(5) Dangerous ordnance that is inoperable or inert and 122
cannot readily be rendered operable or activated, and that is 123
kept as a trophy, souvenir, curio, or museum piece; 124

~~(6) Any device that is expressly excepted from the 125
definition of a destructive device pursuant to the "Gun Control 126
Act of 1968," 82 Stat. 1213, 18 U.S.C. 921(a) (4), as amended, 127
and regulations issued under that act; 128~~

~~(7) Any firearm with an overall length of at least twenty- 129
six inches that is approved for sale by the federal bureau of 130
alcohol, tobacco, firearms, and explosives under the "Gun 131~~

~~Control Act of 1968," 82 Stat. 1213, 18 U.S.C. 921(a)(3), but~~ 132
~~that is found by the bureau not to be regulated under the~~ 133
~~"National Firearms Act," 68A Stat. 725 (1934), 26 U.S.C.~~ 134
~~5845(a);~~ 135

(7) Any handgun with an affixed brace, stabilizing device, 136
arm brace, or pistol brace. 137

(M) "Explosive" means any chemical compound, mixture, or 138
device, the primary or common purpose of which is to function by 139
explosion. "Explosive" includes all materials that have been 140
classified as division 1.1, division 1.2, division 1.3, or 141
division 1.4 explosives by the United States department of 142
transportation in its regulations and includes, but is not 143
limited to, dynamite, black powder, pellet powders, initiating 144
explosives, blasting caps, electric blasting caps, safety fuses, 145
fuse igniters, squibs, cordeau detonant fuses, instantaneous 146
fuses, and igniter cords and igniters. "Explosive" does not 147
include "fireworks," as defined in section 3743.01 of the 148
Revised Code, or any substance or material otherwise meeting the 149
definition of explosive set forth in this section that is 150
manufactured, sold, possessed, transported, stored, or used in 151
any activity described in section 3743.80 of the Revised Code, 152
provided the activity is conducted in accordance with all 153
applicable laws, rules, and regulations, including, but not 154
limited to, the provisions of section 3743.80 of the Revised 155
Code and the rules of the fire marshal adopted pursuant to 156
section 3737.82 of the Revised Code. 157

(N) (1) "Concealed handgun license" or "license to carry a 158
concealed handgun" means, subject to division (N) (2) of this 159
section, a license or temporary emergency license to carry a 160
concealed handgun issued under section 2923.125 or 2923.1213 of 161

the Revised Code or a license to carry a concealed handgun 162
issued by another state with which the attorney general has 163
entered into a reciprocity agreement under section 109.69 of the 164
Revised Code. 165

(2) A reference in any provision of the Revised Code to a 166
concealed handgun license issued under section 2923.125 of the 167
Revised Code or a license to carry a concealed handgun issued 168
under section 2923.125 of the Revised Code means only a license 169
of the type that is specified in that section. A reference in 170
any provision of the Revised Code to a concealed handgun license 171
issued under section 2923.1213 of the Revised Code, a license to 172
carry a concealed handgun issued under section 2923.1213 of the 173
Revised Code, or a license to carry a concealed handgun on a 174
temporary emergency basis means only a license of the type that 175
is specified in section 2923.1213 of the Revised Code. A 176
reference in any provision of the Revised Code to a concealed 177
handgun license issued by another state or a license to carry a 178
concealed handgun issued by another state means only a license 179
issued by another state with which the attorney general has 180
entered into a reciprocity agreement under section 109.69 of the 181
Revised Code. 182

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

issued.	193
(P) "Misdemeanor punishable by imprisonment for a term exceeding one year" does not include any of the following:	194 195
(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;	196 197 198 199
(2) Any misdemeanor offense punishable by a term of imprisonment of two years or less.	200 201
(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."	202 203 204 205 206
(R) "Active duty" has the same meaning as defined in 10 U.S.C. 101.	207 208
Sec. 2923.111. (A) As used in this section:	209
(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.	210 211 212 213
(2) "Qualifying adult" means a person who is all of the following:	214 215
(a) Twenty-one years of age or older;	216
(b) Not legally prohibited from possessing or receiving a firearm under 18 U.S.C. 922(g)(1) to (9) or under section 2923.13 of the Revised Code or any other Revised Code provision;	217 218 219

(c) Satisfies all of the criteria listed in divisions (D) 220
(1) (a) to (j), (m), (p), (q), and (s) of section 2923.125 of the 221
Revised Code. 222

(B) Notwithstanding any other Revised Code section to the 223
contrary: 224

(1) A person who is a qualifying adult shall not be 225
required to obtain a concealed handgun license in order to carry 226
in this state, under authority of division (B) (2) of this 227
section, a concealed handgun that is not a restricted firearm. 228

(2) Regardless of whether the person has been issued a 229
concealed handgun license, subject to the limitations specified 230
in divisions (B) (3) and (C) (2) of this section, a person who is 231
a qualifying adult may carry a concealed handgun that is not a 232
restricted firearm anywhere in this state in which a person who 233
has been issued a concealed handgun license may carry a 234
concealed handgun. 235

(3) The right of a person who is a qualifying adult to 236
carry a concealed handgun that is not a restricted firearm that 237
is granted under divisions (B) (1) and (2) of this section is the 238
same right as is granted to a person who has been issued a 239
concealed handgun license, and a qualifying adult who is granted 240
the right is subject to the same restrictions as apply to a 241
person who has been issued a concealed handgun license. 242

(C) (1) For purposes of any provision of section 1547.69, 243
2923.12, or 2923.124 to 2923.1213 of the Revised Code, or of any 244
other section of the Revised Code, that refers to a concealed 245
handgun license or a concealed handgun licensee, except when the 246
context clearly indicates otherwise, all of the following apply: 247

(a) A person who is a qualifying adult and is carrying or 248

has, concealed on the person's person or ready at hand, a 249
handgun that is not a restricted firearm shall be deemed to have 250
been issued a valid concealed handgun license. 251

(b) If the provision refers to a person having been issued 252
a concealed handgun license or having been issued a concealed 253
handgun license that is valid at a particular point in time, the 254
provision shall be construed as automatically including a person 255
who is a qualifying adult and who is carrying or has, concealed 256
on the person's person or ready at hand, a handgun that is not a 257
restricted firearm, as if the person had been issued a concealed 258
handgun license or had been issued a concealed handgun license 259
that is valid at the particular point in time. 260

(c) If the provision in specified circumstances requires a 261
concealed handgun licensee to engage in specified conduct, or 262
prohibits a concealed handgun licensee from engaging in 263
specified conduct, the provision shall be construed as applying 264
in the same circumstances to a person who is a qualifying adult 265
in the same manner as if the person was a concealed handgun 266
licensee. 267

(d) If the application of the provision to a person 268
depends on whether the person is or is not a concealed handgun 269
licensee, the provision shall be applied to a person who is a 270
qualifying adult in the same manner as if the person was a 271
concealed handgun licensee. 272

(e) If the provision pertains to the imposition of a 273
penalty or sanction for specified conduct and the penalty or 274
sanction applicable to a person who engages in the conduct 275
depends on whether the person is or is not a concealed handgun 276
licensee, the provision shall be applied to a person who is a 277
qualifying adult in the same manner as if the person was a 278

concealed handgun licensee. 279

(2) The concealed handgun license expiration provisions of 280
sections 2923.125 and 2923.1213 of the Revised Code, and the 281
concealed handgun license suspension and revocation provisions 282
of section 2923.128 of the Revised Code, do not apply with 283
respect to a person who is a qualifying adult unless the person 284
has been issued a concealed handgun license. If a person is a 285
qualifying adult and the person thereafter comes within any 286
category of persons specified in ~~18 U.S.C. 922(g)(1) to (9) or~~ 287
~~in~~ section 2923.13 of the Revised Code or any other Revised Code 288
provision so that the person as a result is legally prohibited 289
under the applicable provision from possessing or receiving a 290
firearm, both of the following apply automatically and 291
immediately upon the person coming within that category: 292

(a) Division (B) of this section and the authority and 293
right to carry a concealed handgun that are described in that 294
division do not apply to the person. 295

(b) The person no longer is deemed to have been issued a 296
concealed handgun license as described in division (C)(1)(a) of 297
this section, and the provisions of divisions (C)(1)(a) to (e) 298
of this section no longer apply to the person in the same manner 299
as if the person had been issued, possessed, or produced a valid 300
concealed handgun license or was a concealed handgun licensee. 301

Sec. 2923.122. (A) No person shall knowingly convey, or 302
attempt to convey, a deadly weapon or dangerous ordnance into a 303
school safety zone. 304

(B) No person shall knowingly possess a deadly weapon or 305
dangerous ordnance in a school safety zone. 306

(C) No person shall knowingly possess an object in a 307

school safety zone if both of the following apply: 308

(1) The object is indistinguishable from a firearm, 309
whether or not the object is capable of being fired. 310

(2) The person indicates that the person possesses the 311
object and that it is a firearm, or the person knowingly 312
displays or brandishes the object and indicates that it is a 313
firearm. 314

(D) (1) This section does not apply to any of the 315
following: 316

(a) An officer, agent, or employee of this or any other 317
state or the United States who is authorized to carry deadly 318
weapons or dangerous ordnance and is acting within the scope of 319
the officer's, agent's, or employee's duties; 320

(b) A law enforcement officer who is authorized to carry 321
deadly weapons or dangerous ordnance; 322

(c) A security officer employed by a board of education or 323
governing body of a school during the time that the security 324
officer is on duty pursuant to that contract of employment; 325

(d) Any person not described in divisions (D) (1) (a) to (c) 326
of this section who has written authorization from the board of 327
education or governing body of a school to convey deadly weapons 328
or dangerous ordnance into a school safety zone or to possess a 329
deadly weapon or dangerous ordnance in a school safety zone and 330
who conveys or possesses the deadly weapon or dangerous ordnance 331
in accordance with that authorization, provided both of the 332
following apply: 333

(i) Either the person has successfully completed the 334
curriculum, instruction, and training established under section 335

5502.703 of the Revised Code, or the person has received a 336
certificate of having satisfactorily completed an approved basic 337
peace officer training program or is a law enforcement officer; 338

(ii) The board or governing body has notified the public, 339
by whatever means the affected school regularly communicates 340
with the public, that the board or governing body has authorized 341
one or more persons to go armed within a school operated by the 342
board or governing authority. 343

A district board or school governing body that authorizes 344
a person under division (D)(1)(d) of this section shall require 345
that person to submit to an annual criminal records check 346
conducted in the same manner as section 3319.39 or 3319.391 of 347
the Revised Code. 348

(e) Any person who is employed in this state, who is 349
authorized to carry deadly weapons or dangerous ordnance, and 350
who is subject to and in compliance with the requirements of 351
section 109.801 of the Revised Code, unless the appointing 352
authority of the person has expressly specified that the 353
exemption provided in division (D)(1)(e) of this section does 354
not apply to the person. 355

(2) Division (C) of this section does not apply to 356
premises upon which home schooling is conducted. Division (C) of 357
this section also does not apply to a school administrator, 358
teacher, or employee who possesses an object that is 359
indistinguishable from a firearm for legitimate school purposes 360
during the course of employment, a student who uses an object 361
that is indistinguishable from a firearm under the direction of 362
a school administrator, teacher, or employee, or any other 363
person who with the express prior approval of a school 364
administrator possesses an object that is indistinguishable from 365

a firearm for a legitimate purpose, including the use of the 366
object in a ceremonial activity, a play, reenactment, or other 367
dramatic presentation, school safety training, or a ROTC 368
activity or another similar use of the object. 369

(3) This section does not apply to a person who conveys or 370
attempts to convey a handgun into, or possesses a handgun in, a 371
school safety zone if, at the time of that conveyance, attempted 372
conveyance, or possession of the handgun, all of the following 373
apply: 374

(a) The person does not enter into a school building or 375
onto school premises and is not at a school activity. 376

(b) The person has been issued a concealed handgun license 377
that is valid at the time of the conveyance, attempted 378
conveyance, or possession or the person is an active duty member 379
of the armed forces of the United States and is carrying a valid 380
military identification card and documentation of successful 381
completion of firearms training that meets or exceeds the 382
training requirements described in division (G) (1) of section 383
2923.125 of the Revised Code. 384

~~(c) The person is in the school safety zone in accordance 385
with 18 U.S.C. 922(q)(2)(B). 386~~

~~(d) The person is not knowingly in a place described in 387
division (B) (1) or (B) (3) to (8) of section 2923.126 of the 388
Revised Code. 389~~

(4) This section does not apply to a person who conveys or 390
attempts to convey a handgun into, or possesses a handgun in, a 391
school safety zone if at the time of that conveyance, attempted 392
conveyance, or possession of the handgun all of the following 393
apply: 394

(a) The person has been issued a concealed handgun license 395
that is valid at the time of the conveyance, attempted 396
conveyance, or possession or the person is an active duty member 397
of the armed forces of the United States and is carrying a valid 398
military identification card and documentation of successful 399
completion of firearms training that meets or exceeds the 400
training requirements described in division (G)(1) of section 401
2923.125 of the Revised Code. 402

(b) The person leaves the handgun in a motor vehicle. 403

(c) The handgun does not leave the motor vehicle. 404

(d) If the person exits the motor vehicle, the person 405
locks the motor vehicle. 406

(E)(1) Whoever violates division (A) or (B) of this 407
section is guilty of illegal conveyance or possession of a 408
deadly weapon or dangerous ordnance in a school safety zone. 409
Except as otherwise provided in this division, illegal 410
conveyance or possession of a deadly weapon or dangerous 411
ordnance in a school safety zone is a felony of the fifth 412
degree. If the offender previously has been convicted of a 413
violation of this section, illegal conveyance or possession of a 414
deadly weapon or dangerous ordnance in a school safety zone is a 415
felony of the fourth degree. 416

(2) Whoever violates division (C) of this section is 417
guilty of illegal possession of an object indistinguishable from 418
a firearm in a school safety zone. Except as otherwise provided 419
in this division, illegal possession of an object 420
indistinguishable from a firearm in a school safety zone is a 421
misdemeanor of the first degree. If the offender previously has 422
been convicted of a violation of this section, illegal 423

possession of an object indistinguishable from a firearm in a 424
school safety zone is a felony of the fifth degree. 425

(F) (1) In addition to any other penalty imposed upon a 426
person who is convicted of or pleads guilty to a violation of 427
this section and subject to division (F) (2) of this section, if 428
the offender has not attained nineteen years of age, regardless 429
of whether the offender is attending or is enrolled in a school 430
operated by a board of education or for which the state board of 431
education prescribes minimum standards under section 3301.07 of 432
the Revised Code, the court shall impose upon the offender a 433
class four suspension of the offender's probationary driver's 434
license, restricted license, driver's license, commercial 435
driver's license, temporary instruction permit, or probationary 436
commercial driver's license that then is in effect from the 437
range specified in division (A) (4) of section 4510.02 of the 438
Revised Code and shall deny the offender the issuance of any 439
permit or license of that type during the period of the 440
suspension. 441

If the offender is not a resident of this state, the court 442
shall impose a class four suspension of the nonresident 443
operating privilege of the offender from the range specified in 444
division (A) (4) of section 4510.02 of the Revised Code. 445

(2) If the offender shows good cause why the court should 446
not suspend one of the types of licenses, permits, or privileges 447
specified in division (F) (1) of this section or deny the 448
issuance of one of the temporary instruction permits specified 449
in that division, the court in its discretion may choose not to 450
impose the suspension, revocation, or denial required in that 451
division, but the court, in its discretion, instead may require 452
the offender to perform community service for a number of hours 453

determined by the court. 454

(G) As used in this section, "object that is 455
indistinguishable from a firearm" means an object made, 456
constructed, or altered so that, to a reasonable person without 457
specialized training in firearms, the object appears to be a 458
firearm. 459

Sec. 2923.17. (A) No person shall knowingly acquire, have, 460
carry, or use any dangerous ordnance. 461

(B) No person shall manufacture or process an explosive at 462
any location in this state unless the person first has been 463
issued a license, certificate of registration, or permit to do 464
so from a fire official of a political subdivision of this state 465
or from the office of the fire marshal. 466

(C) Division (A) of this section does not apply to: 467

(1) Officers, agents, or employees of this or any other 468
state or the United States, members of the armed forces of the 469
United States or the organized militia of this or any other 470
state, and law enforcement officers, to the extent that any such 471
person is authorized to acquire, have, carry, or use dangerous 472
ordnance and is acting within the scope of the person's duties; 473

(2) Importers, manufacturers, dealers, and users of 474
explosives, having a license or user permit issued and in effect 475
pursuant to the "Organized Crime Control Act of 1970," 84 Stat. 476
952, 18 U.S.C. 843, and any amendments or additions thereto or 477
reenactments thereof, with respect to explosives and explosive 478
devices lawfully acquired, possessed, carried, or used under the 479
laws of this state and applicable federal law; 480

(3) Importers, manufacturers, and dealers having a license 481
to deal in destructive devices or their ammunition, ~~issued and~~ 482

~~in effect pursuant to the "Gun Control Act of 1968," 82 Stat. 1213, 18 U.S.C. 923, and any amendments or additions thereto or reenactments thereof,~~ with respect to dangerous ordnance lawfully acquired, possessed, carried, or used under the laws of this state and or applicable federal law;

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

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

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

(7) The holders of a license or temporary permit issued and in effect pursuant to section 2923.18 of the Revised Code, with respect to dangerous ordnance lawfully acquired, possessed, carried, or used for the purposes and in the manner specified in such license or permit;

(8) Persons who own a dangerous ordnance that is a firearm muffler or suppressor attached to a gun that is authorized to be

used for hunting by section 1533.16 of the Revised Code and who 512
are authorized to use such a dangerous ordnance by section 513
1533.04 of the Revised Code. 514

(D) Whoever violates division (A) of this section is 515
guilty of unlawful possession of dangerous ordnance, a felony of 516
the fifth degree. 517

(E) Whoever violates division (B) of this section is 518
guilty of illegally manufacturing or processing explosives, a 519
felony of the second degree. 520

Sec. 2923.50. (A) For purposes of this section: 521

"Law-abiding citizen" means a person who is not otherwise 522
precluded under state law from possessing a firearm and shall 523
not be construed to include anyone who is not legally present in 524
the United States or this state. 525

"Law enforcement officer" has the same meaning as in 526
section 9.69 of the Revised Code. 527

"Material aid or support" includes voluntarily giving or 528
allowing others to make use of lodging, communications equipment 529
or services including social media accounts, facilities, 530
weapons, personnel, transportation, clothing, or other physical 531
assets. "Material aid or support" does not include giving or 532
allowing the use of medicine or other materials necessary to 533
treat physical injuries, nor shall the term include any 534
assistance provided to help persons escape a serious, present 535
risk of life-threatening injury. 536

"Political subdivision" means a county, township, 537
municipal corporation, or any other body corporate and politic 538
responsible for governmental activities in a geographic area 539
smaller than that of the state. 540

"Public office" includes any state agency, public 541
institution, political subdivision, or other organized body, 542
office, agency, institution, or entity established by the laws 543
of this state for the exercise of any function of government. 544

"Public officer" includes all officers, employees, or duly 545
authorized representatives or agents of a public office. 546

(B) The general assembly of the state of Ohio finds and 547
declares that: 548

(1) The general assembly of the state of Ohio is firmly 549
resolved to support and defend the Constitution of the United 550
States against every aggression, whether foreign or domestic, 551
and is duty-bound to oppose every infraction of those principles 552
that constitute the basis of the union of the states because 553
only a faithful observance of those principles can secure the 554
union's existence and the public happiness. 555

(2) Acting through the Constitution of the United States, 556
the people of the several states created the federal government 557
to be their agent in the exercise of a few defined powers, while 558
reserving for the state governments the power to legislate on 559
matters concerning the lives, liberties, and properties of 560
citizens in the ordinary course of affairs. 561

(3) The limitation of the federal government's power is 562
affirmed under the Tenth Amendment to the United States 563
Constitution, which defines the total scope of federal powers as 564
being those which have been delegated by the people of the 565
several states to the federal government, and all powers not 566
delegated to the federal government in the Constitution of the 567
United States are reserved to the states respectively or the 568
people themselves. 569

(4) If the federal government assumes powers that the 570
people did not grant it in the Constitution of the United 571
States, its acts are unauthoritative and of no force. 572

(5) The several states of the United States respect the 573
proper role of the federal government but reject the proposition 574
that such respect requires unlimited submission. 575

If the federal government, created by a compact among the 576
states, were the exclusive or final judge of the extent of the 577
powers granted to it by the states through the Constitution of 578
the United States, the federal government's discretion, and not 579
the Constitution of the United States, would necessarily become 580
the measure of those powers. To the contrary, as in all other 581
cases of compacts among powers having no common judge, each 582
party has an equal right to judge for itself as to whether 583
infractions of the compact have occurred, as well as to 584
determine the mode and measure of redress. Although the several 585
states have granted supremacy to laws and treaties made under 586
the powers granted in the Constitution of the United States, 587
such supremacy does not extend to various federal statutes, 588
executive orders, administrative orders, court orders, rules, 589
regulations, or other actions that collect data or restrict or 590
prohibit the manufacture, ownership, and use of firearms, 591
firearm accessories, or ammunition exclusively within the 592
borders of Ohio; such statutes, executive orders, administrative 593
orders, court orders, rules, regulations, and other actions 594
exceed the powers granted to the federal government except to 595
the extent they are necessary and proper for governing and 596
regulating the United States armed forces or for organizing, 597
arming, and disciplining militia forces actively employed in the 598
service of the United States armed forces. 599

(6) The people of the several states have given Congress 600
the power "to regulate commerce with foreign nations, and among 601
the several states," but "regulating commerce" does not include 602
the power to limit citizens' right to keep and bear arms in 603
defense of their families, neighbors, persons, or property nor 604
to dictate what sort of arms and accessories law-abiding 605
citizens may buy, sell, exchange, or otherwise possess within 606
the borders of this state. 607

(7) The people of the several states also have granted 608
Congress the power "to lay and collect taxes, duties, imports, 609
and excises, to pay the debts, and provide for the common 610
defense and general welfare of the United States" and "to make 611
all laws which shall be necessary and proper for carrying into 612
execution the powers vested by the Constitution of the United 613
States in the government of the United States, or in any 614
department or office thereof." These constitutional provisions 615
merely identify the means by which the federal government may 616
execute its limited powers and shall not be construed to grant 617
unlimited power because to do so would be to destroy the 618
carefully constructed equilibrium between the federal and state 619
governments. Consequently, the general assembly rejects any 620
claim that the taxing and spending powers of congress may be 621
used to diminish in any way the right of the people to keep and 622
bear arms. 623

(8) The general assembly of the state of Ohio finds that 624
the federal excise tax rate on arms and ammunition in effect 625
before January 1, 2021, which funds programs under the Wildlife 626
Restoration Act, does not have a chilling effect on the purchase 627
or ownership of such arms and ammunition. 628

(9) The people of Ohio have vested the general assembly 629

with the authority to regulate the manufacture, possession, 630
exchange, and use of firearms within the borders of this state, 631
subject only to the limits imposed by the Second Amendment to 632
the United States Constitution and the Constitution of Ohio. 633

(10) The general assembly of the state of Ohio strongly 634
promotes responsible gun ownership, including parental 635
supervision of minors in the proper use, storage, and ownership 636
of all firearms; the prompt reporting of stolen firearms; and 637
the proper enforcement of all state gun laws. The general 638
assembly of the state of Ohio hereby condemns any unlawful 639
transfer of firearms and the use of any firearm in any criminal 640
or unlawful activity. 641

(C) No public office, public officer, or employee of the 642
state or a political subdivision shall enforce, attempt to 643
enforce, or participate in any way in the enforcement of any 644
federal acts, executive orders, administrative orders, rules, 645
regulations, statutes, or ordinances regarding firearms, firearm 646
accessories, or ammunition. 647

(D) No public office, public officer, or employee of the 648
state or a political subdivision shall give material aid or 649
support to the efforts of another in the enforcement of or 650
implementation of any federal acts, laws, executive orders, 651
rules, regulations, or ordinances regarding firearms, firearm 652
accessories, or ammunition. 653

(E) Sovereign immunity shall not be an affirmative defense 654
in any action pursuant to this section. 655

(F) (1) Notwithstanding anything to the contrary in 656
Chapters 2743. and 2744. of the Revised Code, if the state or a 657
political subdivision employs a law enforcement officer who 658

knowingly violates division (C) or (D) of this section, the 659
state or political subdivision shall be liable to the injured 660
party in an action at law, suit in equity, or other proper 661
proceeding for redress, and subject to a fifty-thousand-dollar 662
civil penalty per occurrence. 663

(2) Any person injured under this division shall have 664
standing to pursue an action for injunctive relief in the court 665
of common pleas of the county in which the action allegedly 666
occurred or in the court of common pleas of Franklin county with 667
respect to the actions of such officer. The court shall hold a 668
hearing on the motion for temporary restraining order and 669
preliminary injunction within thirty days of service of the 670
petition. In such actions, notwithstanding anything to the 671
contrary in Chapters 2743. and 2744. of the Revised Code, the 672
court may award the prevailing party, other than the state of 673
Ohio or any political subdivision of the state, reasonable 674
attorney's fees and costs. 675

(G) (1) If the state or any political subdivision of the 676
state knowingly employs an individual who is acting as or 677
previously acted as an official, agent, employee, or deputy of 678
the government of the United States, or otherwise acting under 679
the color of federal law within the borders of this state, and 680
who knowingly does either of the following after the effective 681
date of this section, the state or political subdivision shall 682
be subject to a civil penalty of fifty thousand dollars per 683
employee hired by the state or political subdivision who 684
violates the applicable provision: 685

(a) Enforces, attempts to enforce, or participates in any 686
way in the enforcement or implementation of any federal acts, 687
laws, executive orders, rules, regulations, statutes, or 688

ordinances regarding firearms, firearm accessories, or 689
ammunition; 690

(b) Gives material aid or support to the efforts of 691
another in the enforcement or implementation of any federal 692
acts, laws, executive orders, administrative orders, rules, 693
regulations, statutes, or ordinances regarding firearms, firearm 694
accessories, or ammunition. 695

(2) Any person residing or conducting business in the 696
state or a political subdivision of the state who believes that 697
a law enforcement officer of the state or of the political 698
subdivision of the state has taken action as described in 699
division (G) (1) of this section shall have standing to pursue an 700
action for injunctive relief in the court of common pleas of the 701
county in which the action allegedly occurred, or in the court 702
of common pleas of Franklin county, with respect to the actions 703
of such law enforcement officer. The court shall hold a hearing 704
on the motion for temporary restraining order and preliminary 705
injunction within thirty days of service of the petition. In 706
such actions, the court may award the prevailing party, other 707
than the state of Ohio or any political subdivision of the 708
state, reasonable attorney's fees and costs. 709

(H) Nothing in this section shall be construed to prohibit 710
public officers or employees of the state or a political 711
subdivision of the state from accepting aid from federal 712
officials in an effort to enforce laws of the state or of a 713
political subdivision. 714

(I) It shall not be considered a violation of this section 715
to provide material aid to federal officials who are in pursuit 716
of a suspect when there is a demonstrable criminal nexus with 717
another state or country and such suspect is either not a 718

citizen of this state or is not present in this state. 719

(J) It shall not be considered a violation of this section 720
to provide material aid to federal prosecutions for either of 721
the following: 722

(1) Felony crimes against a person when such prosecution 723
includes weapons violations substantially similar to those found 724
in Chapter 2913. of the Revised Code or sections 2923.11 to 725
2923.25 of the Revised Code, so long as such weapons violations 726
are merely ancillary to such prosecution; 727

(2) Class A or class B felony violations, as designated 728
under federal law, substantially similar to those found in 729
Chapter 2925. of the Revised Code when such prosecution includes 730
weapons violations substantially similar to those found in 731
Chapter 2913. of the Revised Code or sections 2923.11 to 2923.25 732
of the Revised Code, so long as such weapons violations are 733
merely ancillary to such prosecution. 734

(K) It shall not be considered a violation of this section 735
for a law enforcement officer to comply with an order of a court 736
of competent jurisdiction. 737

(L) As specified in section 1.50 of the Revised Code, if 738
any provision of a section of the Revised Code or the 739
application thereof to any person or circumstance is held 740
invalid, the invalidity does not affect other provisions or 741
applications of the section or related sections which can be 742
given effect without the invalid provision or application, and 743
to this end the provisions are severable. 744

Section 2. That existing sections 2923.11, 2923.111, 745
2923.122, and 2923.17 of the Revised Code are hereby repealed. 746

Section 3. This act shall be known as the Second Amendment 747

Preservation Act. 748

Section 4. This act is hereby declared to be an emergency 749
measure necessary for the immediate preservation of the public 750
peace, health, and safety. The reason for such necessity is that 751
immediate action is necessary to ensure the limitation of the 752
federal government's power and to protect the citizens' right to 753
bear arms. Therefore, this act shall go into immediate effect. 754