

As Reported by the Senate Judiciary-Civil Justice Committee

124th General Assembly

Regular Session

2001-2002

Sub. H. B. No. 192

**REPRESENTATIVES Callender, Willamowski, Brinkman, Seaver, Lendrum,
Roman, Young, Collier, Williams, Reidelbach, Gilb, Evans, Calvert, Schmidt,
Carmichael, Schaffer, Latta, Fessler, Husted, Grendell, Faber, Buehrer, Core,
Bocchieri, Clancy, Womer Benjamin, Aslanides, Distel, Setzer, Carano,
Webster, Manning, Flowers, Peterson, Metzger, Blasdel, Hoops, Cates, Raga,
Wolpert, Coates, Widowfield, DeWine, Hagan, Niehaus
SENATOR Jacobson**

A B I L L

To enact section 2305.401 of the Revised Code as a 1
general law to provide a qualified immunity from 2
civil liability and injunctive relief to members of 3
the firearms industry. 4

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

Section 1. That section 2305.401 of the Revised Code be 5
enacted to read as follows: 6

Sec. 2305.401. (A) As used in this section: 7

(1) "Ammunition" means any projectile capable of being 8
expelled or propelled from a firearm by the action of an explosive 9
or combustible propellant. 10

(2) "Firearm" has the same meaning as in section 2923.11 of 11
the Revised Code. 12

(3) Except as provided in division (C)(2) of this section, 13

"harm" means injury, death, or loss to person or property.

(4) "Member of the firearms industry" means any manufacturer, dealer, or importer of firearms, firearms components, or firearms ammunition or any trade association the members of which, in whole or in part, are manufacturers, dealers, or importers of firearms, firearms components, or firearms ammunition.

(5) "Person" has the same meaning as in section 1.59 of the Revised Code and additionally includes all governmental entities.

(6) "Tort action" means a civil action for damages for injury, death, or loss to person or property other than a civil action for damages for a breach of contract or another agreement between persons.

(B)(1) Except as provided in divisions (B)(2) and (3) of this section and subject to division (C) of this section, a member of the firearms industry is not liable in damages in, and is not subject to a grant of injunctive relief in, a tort or other civil action for harm allegedly sustained by any person as a result of the operation or discharge of a firearm. Except as provided in divisions (B)(2) and (3) of this section and subject to division (C) of this section, a person who allegedly sustains harm as a result of the operation or discharge of a firearm or that person's personal representative does not have a claim for relief against, and may not recover damages or injunctive relief in a tort or other civil action against, a member of the firearms industry based upon that harm.

(2) A member of the firearms industry forfeits the immunity from civil liability and injunctive relief conferred by division (B)(1) of this section if the member of the firearms industry operates or discharges the firearm that results in the harm that is the basis of the claim for relief in the tort or other civil

action in a manner that constitutes negligence, willful or wanton
misconduct, or intentionally tortious conduct or that constitutes
a criminal violation of law.

45
46
47

(3) A member of the firearms industry forfeits the immunity
from civil liability and injunctive relief conferred by division
(B)(1) of this section if the member of the firearms industry
sells, lends, gives, or furnishes to any person, in violation of
section 2923.20 or 2923.21 or another section of the Revised Code
or in violation of federal law, the firearm that results in the
harm that is the basis of the claim for relief in the tort or
other civil action.

48
49
50
51
52
53
54
55

(C)(1) This section does not create a new cause of action or
substantive legal right against a member of the firearms industry.

56
57

(2) This section does not limit the availability against a
member of the firearms industry of a civil action that seeks
damages for harm and that is based on a product liability claim
authorized by Chapter 2307. of the Revised Code. As used in this
division, "harm" and "product liability claim" have the same
meanings as in section 2307.71 of the Revised Code.

58
59
60
61
62
63

(3) This section does not limit the availability against a
member of the firearms industry of a civil action for a breach of
an express provision of a contract or of another agreement between
persons, or a civil action for a breach of an express warranty,
pertaining to firearms, firearms components, or firearms
ammunition.

64
65
66
67
68
69