

**As Introduced**

**128th General Assembly  
Regular Session  
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**H. B. No. 85**

**Representatives Boyd, Williams, S.**

**Cosponsors: Representatives Skindell, DeBose, Harris, Mallory, Foley**

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**A B I L L**

To amend sections 2151.022, 2152.02, and 2923.19 and 1  
to enact section 2923.212 of the Revised Code to 2  
prohibit any person under twenty-one years of age 3  
from possessing a firearm, subject to specified 4  
exceptions for lawful hunting, sporting, or 5  
educational purposes and for law enforcement 6  
officers; to expand the offense of failure to 7  
secure dangerous ordnance so that it also 8  
prohibits a failure to secure a firearm and 9  
increase the penalty for the offense; and to 10  
declare an emergency. 11

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

**Section 1.** That sections 2151.022, 2152.02, and 2923.19 be 12  
amended and section 2923.212 of the Revised Code be enacted to 13  
read as follows: 14

**Sec. 2151.022.** As used in this chapter, "unruly child" 15  
includes any of the following: 16

(A) Any child who does not submit to the reasonable control 17  
of the child's parents, teachers, guardian, or custodian, by 18  
reason of being wayward or habitually disobedient; 19

(B) Any child who is an habitual truant from school and who previously has not been adjudicated an unruly child for being an habitual truant;

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

(D) Any child who violates a law, other than division (C) of section 2907.39, division (A) of section 2923.211, division (A) of section 2923.212, division (C)(1) or (D) of section 2925.55, or section 2151.87 of the Revised Code, that is applicable only to a child.

**Sec. 2152.02.** As used in this chapter:

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

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

(C)(1) "Child" means a person who is under eighteen years of age, except as otherwise provided in divisions (C)(2) to (6) of this section.

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

(3) Any person who, while under eighteen years of age, commits an act that would be a felony if committed by an adult and

who is not taken into custody or apprehended for that act until 50  
after the person attains twenty-one years of age is not a child in 51  
relation to that act. 52

(4) Any person whose case is transferred for criminal 53  
prosecution pursuant to section 2152.12 of the Revised Code shall 54  
be deemed after the transfer not to be a child in the transferred 55  
case. 56

(5) Any person whose case is transferred for criminal 57  
prosecution pursuant to section 2152.12 of the Revised Code and 58  
who subsequently is convicted of or pleads guilty to a felony in 59  
that case, and any person who is adjudicated a delinquent child 60  
for the commission of an act, who has a serious youthful offender 61  
dispositional sentence imposed for the act pursuant to section 62  
2152.13 of the Revised Code, and whose adult portion of the 63  
dispositional sentence is invoked pursuant to section 2152.14 of 64  
the Revised Code, shall be deemed after the transfer or invocation 65  
not to be a child in any case in which a complaint is filed 66  
against the person. 67

(6) The juvenile court has jurisdiction over a person who is 68  
adjudicated a delinquent child or juvenile traffic offender prior 69  
to attaining eighteen years of age until the person attains 70  
twenty-one years of age, and, for purposes of that jurisdiction 71  
related to that adjudication, except as otherwise provided in this 72  
division, a person who is so adjudicated a delinquent child or 73  
juvenile traffic offender shall be deemed a "child" until the 74  
person attains twenty-one years of age. If a person is so 75  
adjudicated a delinquent child or juvenile traffic offender and 76  
the court makes a disposition of the person under this chapter, at 77  
any time after the person attains eighteen years of age, the 78  
places at which the person may be held under that disposition are 79  
not limited to places authorized under this chapter solely for 80  
confinement of children, and the person may be confined under that 81

disposition, in accordance with division (F)(2) of section 2152.26 82  
of the Revised Code, in places other than those authorized under 83  
this chapter solely for confinement of children. 84

(D) "Chronic truant" means any child of compulsory school age 85  
who is absent without legitimate excuse for absence from the 86  
public school the child is supposed to attend for seven or more 87  
consecutive school days, ten or more school days in one school 88  
month, or fifteen or more school days in a school year. 89

(E) "Community corrections facility," "public safety beds," 90  
"release authority," and "supervised release" have the same 91  
meanings as in section 5139.01 of the Revised Code. 92

(F) "Delinquent child" includes any of the following: 93

(1) Any child, except a juvenile traffic offender, who 94  
violates any law of this state or the United States, or any 95  
ordinance of a political subdivision of the state, that would be 96  
an offense if committed by an adult; 97

(2) Any child who violates any lawful order of the court made 98  
under this chapter or under Chapter 2151. of the Revised Code 99  
other than an order issued under section 2151.87 of the Revised 100  
Code; 101

(3) Any child who violates division (C) of section 2907.39, 102  
division (A) of section 2923.211, division (A) of section 103  
2923.212, or division (C)(1) or (D) of section 2925.55 of the 104  
Revised Code; 105

(4) Any child who is a habitual truant and who previously has 106  
been adjudicated an unruly child for being a habitual truant; 107

(5) Any child who is a chronic truant. 108

(G) "Discretionary serious youthful offender" means a person 109  
who is eligible for a discretionary SYO and who is not transferred 110  
to adult court under a mandatory or discretionary transfer. 111

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

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

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

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

(L) "Economic loss" means any economic detriment suffered by a victim of a delinquent act or juvenile traffic offense as a direct and proximate result of the delinquent act or juvenile traffic offense and includes any loss of income due to lost time at work because of any injury caused to the victim and any property loss, medical cost, or funeral expense incurred as a result of the delinquent act or juvenile traffic offense. "Economic loss" does not include non-economic loss or any punitive or exemplary damages.

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

(N) "Juvenile traffic offender" means any child who violates any traffic law, traffic ordinance, or traffic regulation of this state, the United States, or any political subdivision of this state, other than a resolution, ordinance, or regulation of a political subdivision of this state the violation of which is required to be handled by a parking violations bureau or a joint parking violations bureau pursuant to Chapter 4521. of the Revised

Code.	143
(O) A "legitimate excuse for absence from the public school the child is supposed to attend" has the same meaning as in section 2151.011 of the Revised Code.	144 145 146
(P) "Mandatory serious youthful offender" means a person who is eligible for a mandatory SYO and who is not transferred to adult court under a mandatory or discretionary transfer.	147 148 149
(Q) "Mandatory SYO" means a case in which the juvenile court is required to impose a mandatory serious youthful offender disposition under section 2152.13 of the Revised Code.	150 151 152
(R) "Mandatory transfer" means that a case is required to be transferred for criminal prosecution under division (A) of section 2152.12 of the Revised Code.	153 154 155
(S) "Mental illness" has the same meaning as in section 5122.01 of the Revised Code.	156 157
(T) "Mentally retarded person" has the same meaning as in section 5123.01 of the Revised Code.	158 159
(U) "Monitored time" and "repeat violent offender" have the same meanings as in section 2929.01 of the Revised Code.	160 161
(V) "Of compulsory school age" has the same meaning as in section 3321.01 of the Revised Code.	162 163
(W) "Public record" has the same meaning as in section 149.43 of the Revised Code.	164 165
(X) "Serious youthful offender" means a person who is eligible for a mandatory SYO or discretionary SYO but who is not transferred to adult court under a mandatory or discretionary transfer.	166 167 168 169
(Y) "Sexually oriented offense," "juvenile offender registrant," "child-victim oriented offense," "tier I sex offender/child-victim offender," "tier II sex	170 171 172

offender/child-victim offender," "tier III sex 173  
offender/child-victim offender," and "public registry-qualified 174  
juvenile offender registrant" have the same meanings as in section 175  
2950.01 of the Revised Code. 176

(Z) "Traditional juvenile" means a case that is not 177  
transferred to adult court under a mandatory or discretionary 178  
transfer, that is eligible for a disposition under sections 179  
2152.16, 2152.17, 2152.19, and 2152.20 of the Revised Code, and 180  
that is not eligible for a disposition under section 2152.13 of 181  
the Revised Code. 182

(AA) "Transfer" means the transfer for criminal prosecution 183  
of a case involving the alleged commission by a child of an act 184  
that would be an offense if committed by an adult from the 185  
juvenile court to the appropriate court that has jurisdiction of 186  
the offense. 187

(BB) "Category one offense" means any of the following: 188

(1) A violation of section 2903.01 or 2903.02 of the Revised 189  
Code; 190

(2) A violation of section 2923.02 of the Revised Code 191  
involving an attempt to commit aggravated murder or murder. 192

(CC) "Category two offense" means any of the following: 193

(1) A violation of section 2903.03, 2905.01, 2907.02, 194  
2909.02, 2911.01, or 2911.11 of the Revised Code; 195

(2) A violation of section 2903.04 of the Revised Code that 196  
is a felony of the first degree; 197

(3) A violation of section 2907.12 of the Revised Code as it 198  
existed prior to September 3, 1996. 199

(DD) "Non-economic loss" means nonpecuniary harm suffered by 200  
a victim of a delinquent act or juvenile traffic offense as a 201  
result of or related to the delinquent act or juvenile traffic 202

offense, including, but not limited to, pain and suffering; loss 203  
of society, consortium, companionship, care, assistance, 204  
attention, protection, advice, guidance, counsel, instruction, 205  
training, or education; mental anguish; and any other intangible 206  
loss. 207

**Sec. 2923.19.** (A) No person, in acquiring, possessing, 208  
carrying, or using any dangerous ordnance or firearm, shall 209  
negligently fail to take proper precautions: 210

(1) To secure the dangerous ordnance or firearm against 211  
theft, or against its acquisition or use by any of the following: 212

(a) An unauthorized or incompetent person; 213

(b) A person under eighteen years of age; 214

(c) A person eighteen years of age or older and under 215  
twenty-one years of age. 216

(2) To insure the safety of persons and property. 217

(B) It is not a violation of division (A)(1)(b) of this 218  
section if the weapon involved is a firearm and it is acquired or 219  
used by a person under eighteen years of age in accordance with 220  
the lawful circumstances described in division (A)(3) of section 221  
2923.21 of the Revised Code or in accordance with division (C) of 222  
section 2923.212 of the Revised Code. 223

(C) It is not a violation of division (A)(1)(c) of this 224  
section if the weapon involved is a firearm and it is acquired or 225  
used by a person eighteen years of age or older and under 226  
twenty-one years of age in accordance with the lawful 227  
circumstances described in division (A)(3) of section 2923.21 of 228  
the Revised Code or in accordance with division (B) of section 229  
2923.21, division (B) of section 2923.211 , or division (C) or (D) 230  
of section 2923.212 of the Revised Code. 231

(D) Whoever violates this section is guilty of failure to 232



secure dangerous ordnance or a firearm, a misdemeanor of the 233  
~~second~~ first degree. 234

Sec. 2923.212. (A) No person under eighteen years of age 235  
shall knowingly possess a firearm. 236

(B) No person eighteen years of age or older and under 237  
twenty-one years of age shall knowingly possess a firearm. 238

(C) Division (A) of this section does not apply to the 239  
possession of a firearm by a person under eighteen years of age 240  
and division (B) of this section does not apply to the possession 241  
of a firearm by a person eighteen years of age or older and under 242  
twenty-one years of age if the person under eighteen years of age 243  
or the person eighteen years of age or older and under twenty-one 244  
years of age, whichever is applicable, possesses the firearm under 245  
the supervision or control of a responsible adult who is 246  
twenty-one years of age or older for lawful hunting, sporting, or 247  
educational purposes, including, but not limited to, instruction 248  
in firearms or handgun safety, care, handling, or marksmanship. 249

(D) Division (B) of this section does not apply to a person 250  
eighteen years of age or older and under twenty-one years of age 251  
if the person is a law enforcement officer who is properly 252  
appointed or employed as a law enforcement officer and has 253  
received firearms training approved by the Ohio peace officer 254  
training council or equivalent firearms training. 255

(E) Whoever violates division (A) of this section is guilty 256  
of juvenile possession of a firearm, a delinquent act that would 257  
be a misdemeanor of the first degree if it could be committed by 258  
an adult. Whoever violates division (B) of this section is guilty 259  
of underage possession of a firearm, a misdemeanor of the first 260  
degree. 261

**Section 2.** That existing sections 2151.022, 2152.02, and 262

2923.19 of the Revised Code are hereby repealed. 263

**Section 3.** Section 2151.022 of the Revised Code is presented 264  
in this act as a composite of the section as amended by both Am. 265  
Sub. H.B. 23 and Am. Sub. S.B. 53 of the 126th General Assembly. 266  
The General Assembly, applying the principle stated in division 267  
(B) of section 1.52 of the Revised Code that amendments are to be 268  
harmonized if reasonably capable of simultaneous operation, finds 269  
that the composite is the resulting version of the section in 270  
effect prior to the effective date of the section as presented in 271  
this act. 272

**Section 4.** This act is hereby declared to be an emergency 273  
measure necessary for the immediate preservation of the public 274  
peace, health, and safety. The reason for such necessity is that 275  
the general prohibition against the possession of a firearm by a 276  
person under twenty-one years of age that is enacted in this act 277  
is crucially needed to provide increased protection and security 278  
for the state's residents in response to a rapid growth in the 279  
number of crimes committed by persons under that age that involve 280  
the use of firearms. Therefore, this act shall go into immediate 281  
effect. 282