

As Reported by the Senate Judiciary--Criminal Justice Committee

128th General Assembly

Regular Session

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Am. S. B. No. 247

Senator Wilson

Cosponsors: Senators Niehaus, Cafaro, Grendell, Buehrer, Coughlin, Seitz

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A B I L L

To amend section 2923.14 of the Revised Code to 1
conform the restoration of civil firearm rights 2
with federal law and U.S. Supreme Court case law 3
and to allow restoration of civil firearm rights 4
for firearms that are dangerous ordnance. 5

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

Section 1. That section 2923.14 of the Revised Code be 6
amended to read as follows: 7

Sec. 2923.14. (A) Any person who, ~~solely by reason of the~~ 8
~~person's disability under division (A)(2) or (3) of section~~ 9
~~2923.13 of the Revised Code,~~ is prohibited from acquiring, having, 10
carrying, or using firearms, may apply to the court of common 11
pleas in the county in which the person resides for relief from 12
such prohibition. 13

(B) The application shall recite the following: 14

(1) All indictments, convictions, or adjudications upon which 15
the applicant's disability is based, the sentence imposed and 16
served, and any release granted under a community control 17
sanction, post-release control sanction, or parole, any partial or 18
conditional pardon granted, or other disposition of each case, or, 19

if the disability is based upon a factor other than an indictment, 20
a conviction, or an adjudication, the factor upon which the 21
disability is based and all details related to that factor; 22

(2) Facts showing the applicant to be a fit subject for 23
relief under this section. 24

(C) A copy of the application shall be served on the county 25
prosecutor. The county prosecutor shall cause the matter to be 26
investigated and shall raise before the court any objections to 27
granting relief that the investigation reveals. 28

(D) Upon hearing, the court may grant the applicant relief 29
pursuant to this section, if all of the following apply: 30

(1) The One of the following applies: 31

(a) If the disability is based upon an indictment, a 32
conviction, or an adjudication, the applicant has been fully 33
discharged from imprisonment, community control, post-release 34
control, and parole, or, if the applicant is under indictment, has 35
been released on bail or recognizance. 36

(b) If the disability is based upon a factor other than an 37
indictment, a conviction, or an adjudication, that factor no 38
longer is applicable to the applicant. 39

(2) The applicant has led a law-abiding life since discharge 40
or release, and appears likely to continue to do so. 41

(3) The applicant is not otherwise prohibited by law from 42
acquiring, having, or using firearms. 43

(E) Costs of the proceeding shall be charged as in other 44
civil cases, and taxed to the applicant. 45

(F) Relief from disability granted pursuant to this section 46
restores the applicant to all civil firearm rights to the full 47
extent enjoyed by any citizen, and is subject to the following 48
conditions: 49

(1) Applies only with respect to indictments, convictions, or 50
adjudications, or to the other factor, recited in the application 51
as the basis for the applicant's disability; 52

(2) Applies only with respect to firearms lawfully acquired, 53
possessed, carried, or used by the applicant; 54

~~(3) Does not apply with respect to dangerous ordnance;~~ 55

~~(4)~~ May be revoked by the court at any time for good cause 56
shown and upon notice to the applicant; 57

~~(5)~~(4) Is automatically void upon commission by the applicant 58
of any offense set forth in division (A)(2) or (3) of section 59
2923.13 of the Revised Code, or upon the applicant's becoming one 60
of the class of persons named in division (A)(1), (4), or (5) of 61
that section. 62

(G) As used in this section: 63

(1) "Community control sanction" has the same meaning as in 64
section 2929.01 of the Revised Code. 65

(2) "Post-release control" and "post-release control 66
sanction" have the same meanings as in section 2967.01 of the 67
Revised Code. 68

Section 2. That existing section 2923.14 of the Revised Code 69
is hereby repealed. 70

Section 3. It is the intent of the General Assembly in 71
amending section 2923.14 of the Revised Code to apply the 72
amendments to that section retroactively to any restoration of 73
rights granted previously to any applicant under section 2923.14 74
of the Revised Code or under any previous version of that section. 75
The General Assembly is explicitly making this amendment to 76
clarify that relief from a weapons disability granted under 77
section 2923.14 of the Revised Code restores a person's civil 78

firearm rights to such an extent that the uniform federal ban on 79
possessing any firearms at all, 18 U.S.C. 922(g)(1), does not 80
apply to that person, in correlation with the U.S. Supreme Court's 81
interpretation of 18 U.S.C. 921(a)(20) in *Caron v. U.S.* (1998), 82
524 U.S. 308. 83