

**As Introduced**

**129th General Assembly  
Regular Session  
2011-2012**

**H. B. No. 263**

**Representative Heard**

**Cosponsors: Representatives Hagan, R., Ramos, Foley, Driehaus, Celeste,  
Antonio, Weddington, Garland**

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**A B I L L**

To enact sections 2923.26, 2923.27, 2923.28, 2923.29, 1  
and 2923.30 of the Revised Code to require that a 2  
gun show vendor obtain a criminal records check of 3  
a prospective firearm transferee at a gun show, to 4  
require that a federally licensed firearms dealer 5  
who obtains a criminal records check on behalf of 6  
a gun show vendor maintain a record of that check 7  
and report to law enforcement the name of any 8  
prospective transferee who may not legally receive 9  
or possess firearms, and to require a gun show 10  
promoter to post a notice of the records check 11  
requirement at the gun show in the form prescribed 12  
by the Attorney General. 13

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

**Section 1.** That sections 2923.26, 2923.27, 2923.28, 2923.29, 14  
and 2923.30 of the Revised Code be enacted to read as follows: 15

**Sec. 2923.26.** As used in sections 2923.26, 2923.27, 2923.28, 16  
2923.29, and 2923.30 of the Revised Code: 17

(A) "Collection" means a trade, barter, or in-kind exchange 18

for one or more firearms. 19

(B) "Curio or relic" means a firearm that is of special 20  
interest to collectors because of some quality of the firearm 21  
other than a quality that is associated with firearms intended for 22  
sporting use or as offensive or defensive weapons and to which at 23  
least one of the following applies: 24

(1) It was manufactured at least fifty years before the date 25  
of its prospective transfer and is not a replica. 26

(2) It is certified by the curator of a municipal, state, or 27  
federal museum that exhibits firearms to be a curio or relic of 28  
museum interest. 29

(3) It derives a substantial part of its monetary value from 30  
the fact that it is novel, rare, or bizarre or is associated with 31  
some historical figure, period, or event, as shown by evidence of 32  
present value and by evidence that like firearms are not available 33  
except as collector's items or that the value of like firearms 34  
available in ordinary commercial channels is substantially less. 35

(C) "Federally licensed firearms dealer" has the same meaning 36  
as in section 5502.63 of the Revised Code. 37

(D) "Firearm" has the same meaning as in section 2923.11 of 38  
the Revised Code but does not include antique firearms as defined 39  
in 18 U.S.C. 921 or curios or relics. 40

(E) "Gun show" means an event or function that is sponsored 41  
to facilitate, in whole or in part, the transfer, offer to 42  
transfer, or collection of firearms and at which either 43  
twenty-five or more firearms are offered or exhibited for transfer 44  
or not less than three gun show vendors exhibit, transfer, or 45  
offer to transfer firearms. 46

(F) "Gun show premises" means the entire premises provided 47  
for a gun show, including but not limited to parking areas for the 48

gun show. 49

(G) "Gun show promoter" means a person who organizes or 50  
operates a gun show. 51

(H) "Gun show vendor" means any person who exhibits, 52  
transfers, or offers to transfer any firearm at a gun show, 53  
regardless of whether the person arranges with a gun show promoter 54  
for a fixed location from which to exhibit, transfer, or offer to 55  
transfer any firearm. 56

(I) "Law enforcement officer" has the same meaning as in 57  
section 2901.01 of the Revised Code and also includes a federal 58  
law enforcement officer as defined in section 2921.51 of the 59  
Revised Code. 60

**Sec. 2923.27.** (A) A gun show promoter shall arrange for one 61  
or more federally licensed firearms dealers to provide on the 62  
premises of the gun show services necessary to obtain the criminal 63  
records checks required by this section. 64

(B) Before transferring or attempting to transfer a firearm 65  
at a gun show or on the premises of a gun show, a gun show vendor 66  
shall cause a criminal records check of the prospective transferee 67  
to be conducted by a federally licensed firearms dealer. The 68  
criminal records check shall be of the same type as would be 69  
required of the federally licensed firearms dealer under 18 U.S.C. 70  
922 if that dealer were the vendor. 71

(C) If any part of a firearm transfer takes place at a gun 72  
show or on the premises of a gun show, no gun show vendor shall 73  
transfer the firearm without first obtaining a criminal records 74  
check of the prospective transferee by a federally licensed 75  
firearms dealer. 76

(D) Whoever violates division (A), (B), or (C) of this 77  
section is guilty of an unlawful gun show transaction, a 78

misdemeanor of the first degree. 79

Sec. 2923.28. (A) A federally licensed firearms dealer who 80  
obtains a criminal records check on a prospective transferee for a 81  
gun show vendor under section 2923.27 of the Revised Code shall 82  
record the event in a book kept for that purpose and shall include 83  
all of the following: 84

(1) The name, age, and residential address of the prospective 85  
transferor and transferee; 86

(2) The make, caliber, and finish of the firearm, together 87  
with its number and serial letter, if any; 88

(3) The date of the proposed transfer. 89

(B) A federally licensed firearms dealer shall maintain the 90  
record book required by division (A) of this section and shall 91  
make it available at all times for inspection by any law 92  
enforcement officer. 93

(C) If a federally licensed firearms dealer who obtains a 94  
criminal records check on a prospective transferee for a gun show 95  
vendor under section 2923.17 of the Revised Code has reason to 96  
believe, based on the information received from the criminal 97  
records check, that the receipt or possession of a firearm by the 98  
prospective transferee would violate federal, state, or local law, 99  
the dealer, within twenty-four hours after receiving the 100  
information, shall inform the chief law enforcement officer of the 101  
municipal corporation or county in which the gun show takes place 102  
of the identity of the prospective transferee and the basis of the 103  
dealer's belief. 104

(D)(1) Whoever violates division (A) or (B) of this section 105  
is guilty of failure to maintain a gun show record, a misdemeanor 106  
of the first degree. 107

(2) Whoever violates division (C) of this section is guilty 108

of failure to report a firearm disability, a misdemeanor of the 109  
first degree. 110

Sec. 2923.29. For each criminal records check conducted at a 111  
gun show, a federally licensed firearms dealer may charge a fee 112  
not exceeding ten dollars. 113

Sec. 2923.30. (A) The attorney general shall prescribe a form 114  
to be posted by a gun show promoter setting forth the requirement 115  
of a criminal records check under section 2923.27 of the Revised 116  
Code. 117

(B) At every gun show held by a gun show promoter, the gun 118  
show promoter shall post prominently the notice prescribed by the 119  
attorney general under division (A) of this section. 120

(C) Whoever violates division (B) of this section is guilty 121  
of failure to post a required gun show notice, a misdemeanor of 122  
the first degree. 123