

As Reported by the Senate Judiciary--Criminal Justice Committee

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H. B. No. 54

Representatives Maag, Martin

Cosponsors: Representatives Adams, J., Adams, R., Balderson, Beck, Boose, Bulp, Derickson, Grossman, Kozlowski, McGregor, Mecklenborg, Uecker, Young, Amstutz, Pillich, Hayes, Slaby, Blair, Blessing, Brenner, Buchy, Butler, Combs, Dovilla, Goodwin, Hackett, Hagan, C., Hall, Henne, Johnson, Letson, Newbold, Roegner, Rosenberger, Ruhl, Sears, Stautberg

Speaker Batchelder

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A B I L L

To amend sections 2923.13 and 2923.14 of the Revised Code to conform the restoration of civil firearm rights with federal law and U.S. Supreme Court case law; to eliminate the prohibition against persons with certain misdemeanor drug offense convictions acquiring or possessing firearms or dangerous ordnance; and to allow restoration of civil firearm rights for firearms that are dangerous ordnance. 1
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BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That sections 2923.13 and 2923.14 of the Revised Code be amended to read as follows: 10
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Sec. 2923.13. (A) Unless relieved from disability as provided in section 2923.14 of the Revised Code, no person shall knowingly acquire, have, carry, or use any firearm or dangerous ordnance, if 12
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any of the following apply: 15

(1) The person is a fugitive from justice. 16

(2) The person is under indictment for or has been convicted 17
of any felony offense of violence or has been adjudicated a 18
delinquent child for the commission of an offense that, if 19
committed by an adult, would have been a felony offense of 20
violence. 21

(3) The person is under indictment for or has been convicted 22
of any felony offense involving the illegal possession, use, sale, 23
administration, distribution, or trafficking in any drug of abuse 24
or has been adjudicated a delinquent child for the commission of 25
an offense that, if committed by an adult, would have been ~~an~~ a 26
felony offense involving the illegal possession, use, sale, 27
administration, distribution, or trafficking in any drug of abuse. 28

(4) The person is drug dependent, in danger of drug 29
dependence, or a chronic alcoholic. 30

(5) The person is under adjudication of mental incompetence, 31
has been adjudicated as a mental defective, has been committed to 32
a mental institution, has been found by a court to be a mentally 33
ill person subject to hospitalization by court order, or is an 34
involuntary patient other than one who is a patient only for 35
purposes of observation. As used in this division, "mentally ill 36
person subject to hospitalization by court order" and "patient" 37
have the same meanings as in section 5122.01 of the Revised Code. 38

(B) Whoever violates this section is guilty of having weapons 39
while under disability, a felony of the third degree. 40

Sec. 2923.14. (A) Any person who, ~~solely by reason of the~~ 41
~~person's disability under division (A)(2) or (3) of section~~ 42
~~2923.13 of the Revised Code,~~ is prohibited from acquiring, having, 43
carrying, or using firearms, may apply to the court of common 44

pleas in the county in which the person resides for relief from 45
such prohibition. 46

(B) The application shall recite the following: 47

(1) All indictments, convictions, or adjudications upon which 48
the applicant's disability is based, the sentence imposed and 49
served, and any release granted under a community control 50
sanction, post-release control sanction, or parole, any partial or 51
conditional pardon granted, or other disposition of each case, or, 52
if the disability is based upon a factor other than an indictment, 53
a conviction, or an adjudication, the factor upon which the 54
disability is based and all details related to that factor; 55

(2) Facts showing the applicant to be a fit subject for 56
relief under this section. 57

(C) A copy of the application shall be served on the county 58
prosecutor. The county prosecutor shall cause the matter to be 59
investigated and shall raise before the court any objections to 60
granting relief that the investigation reveals. 61

(D) Upon hearing, the court may grant the applicant relief 62
pursuant to this section, if all of the following apply: 63

(1) The One of the following applies: 64

(a) If the disability is based upon an indictment, a 65
conviction, or an adjudication, the applicant has been fully 66
discharged from imprisonment, community control, post-release 67
control, and parole, or, if the applicant is under indictment, has 68
been released on bail or recognizance. 69

(b) If the disability is based upon a factor other than an 70
indictment, a conviction, or an adjudication, that factor no 71
longer is applicable to the applicant. 72

(2) The applicant has led a law-abiding life since discharge 73
or release, and appears likely to continue to do so. 74

(3) The applicant is not otherwise prohibited by law from acquiring, having, or using firearms.	75 76
(E) Costs of the proceeding shall be charged as in other civil cases, and taxed to the applicant.	77 78
(F) Relief from disability granted pursuant to this section <u>restores the applicant to all civil firearm rights to the full extent enjoyed by any citizen, and is subject to the following conditions:</u>	79 80 81 82
(1) Applies only with respect to indictments, convictions, or adjudications, <u>or to the other factor,</u> recited in the application <u>as the basis for the applicant's disability;</u>	83 84 85
(2) Applies only with respect to firearms lawfully acquired, possessed, carried, or used by the applicant;	86 87
(3) Does not apply with respect to dangerous ordnance;	88
(4) May be revoked by the court at any time for good cause shown and upon notice to the applicant;	89 90
(5) (4) Is automatically void upon commission by the applicant of any offense set forth in division (A)(2) or (3) of section 2923.13 of the Revised Code, or upon the applicant's becoming one of the class of persons named in division (A)(1), (4), or (5) of that section.	91 92 93 94 95
(G) As used in this section:	96
(1) "Community control sanction" has the same meaning as in section 2929.01 of the Revised Code.	97 98
(2) "Post-release control" and "post-release control sanction" have the same meanings as in section 2967.01 of the Revised Code.	99 100 101
Section 2. That existing sections 2923.13 and 2923.14 of the Revised Code are hereby repealed.	102 103

Section 3. It is the intent of the General Assembly in 104
amending section 2923.14 of the Revised Code to apply the 105
amendments to that section retroactively to any restoration of 106
rights granted previously to any applicant under section 2923.14 107
of the Revised Code or under any previous version of that section. 108
The General Assembly is explicitly making this amendment to 109
clarify that relief from a weapons disability granted under 110
section 2923.14 of the Revised Code restores a person's civil 111
firearm rights to such an extent that the uniform federal ban on 112
possessing any firearms at all, 18 U.S.C. 922(g)(1), does not 113
apply to that person, in correlation with the U.S. Supreme Court's 114
interpretation of 18 U.S.C. 921(a)(20) in *Caron v. U.S.* (1998), 115
524 U.S. 308. 116