

## As Introduced

130th General Assembly  
Regular Session  
2013-2014

H. B. No. 119

### Representative Heard

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### A BILL

To enact sections 2923.26, 2923.27, 2923.28, and 1  
2923.29 of the Revised Code to require, subject to 2  
certain exceptions, that a federally licensed 3  
firearms dealer obtain a criminal records check of 4  
a prospective firearm transferee when neither the 5  
transferor nor transferee is a federally licensed 6  
firearms dealer and to require that a federally 7  
licensed firearms dealer who obtains a criminal 8  
records check in such cases maintain a record of 9  
that check and report to law enforcement the name 10  
of any prospective transferee who may not legally 11  
receive or possess firearms. 12

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

**Section 1.** That sections 2923.26, 2923.27, 2923.28, and 13  
2923.29 of the Revised Code be enacted to read as follows: 14

**Sec. 2923.26.** As used in sections 2923.26, 2923.27, 2923.28, 15  
and 2923.29 of the Revised Code: 16

(A) "Criminal records check" means a check of a person's 17  
criminal records of the type required under 18 U.S.C. 922 by a 18  
federally licensed firearms dealer who is a vendor of 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) "Shooting range" has the same meaning as in section 41  
1533.83 of the Revised Code. 42

(F) "Unlicensed transferee" means a person who is not a 43  
federally licensed firearms dealer and who wishes to receive a 44  
firearm from an unlicensed transferor. 45

(G) "Unlicensed transferor" means a person who is not a 46  
federally licensed firearms dealer and who wishes to transfer a 47  
firearm to an unlicensed transferee. 48

**Sec. 2923.27.** (A) No unlicensed transferor shall transfer a 49  
firearm to an unlicensed transferee unless the unlicensed 50

transferor first obtains a criminal records check of the 51  
prospective unlicensed transferee from a federally licensed 52  
firearms dealer and the criminal records check indicates that the 53  
prospective unlicensed transferee is not prohibited from 54  
possessing the firearm, unless the transfer is permitted without a 55  
criminal records check under division (C) of this section. 56

(B) No unlicensed transferee shall receive a firearm from an 57  
unlicensed transferor unless the unlicensed transferor first 58  
obtains a criminal records check of the prospective unlicensed 59  
transferee from a federally licensed firearms dealer and the 60  
criminal records check indicates that the prospective transferee 61  
is not prohibited from possessing the firearm, unless the transfer 62  
is permitted without a criminal records check under division (C) 63  
of this section. 64

(C) An unlicensed transferor may transfer a firearm to an 65  
unlicensed transferee and an unlicensed transferee may receive a 66  
firearm from an unlicensed transferor without a criminal records 67  
check if any of the following apply: 68

(1) The firearm is transferred as a bona fide gift to a 69  
spouse, parent, child, sibling, grandparent, or grandchild of the 70  
transferor. 71

(2) The transfer occurs by operation of law or because of the 72  
death of a person for whom the transferor is an executor or 73  
administrator of an estate or a trustee of a trust created by a 74  
will. 75

(3) The transfer is a temporary transfer of possession but 76  
not of title that takes place at a legally operated shooting range 77  
for use at the shooting range, at a target firearm shooting 78  
competition conducted under the auspices of or approved by a 79  
government agency of this state or a nonprofit organization for 80  
use in the competition, or for the purpose of legal hunting. 81

(4) The transferee is a government agency or an authorized representative of a government agency, and the transfer is made as part of an authorized, voluntary program in which the agency or representative is acquiring weapons from private individuals. 82  
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(5) The transfer is a delivery of a firearm by its owner to a gunsmith for service or repair, the return of the firearm to its owner by the gunsmith, or the delivery of a firearm by a gunsmith to a federally licensed firearms dealer for service or repair and the return of the firearm to the gunsmith. 86  
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(D) Whoever violates division (A) or (B) of this section is guilty of an unlawful transfer of a firearm, a misdemeanor of the first degree. 91  
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**Sec. 2923.28.** (A) A federally licensed firearms dealer who obtains a criminal records check on a prospective transferee under section 2923.27 of the Revised Code shall record the event in a book kept for that purpose and shall include all of the following: 94  
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(1) The name, age, and residential address of the prospective transferor and transferee; 98  
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(2) The make, caliber, and finish of the firearm, together with its number and serial letter, if any; 100  
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(3) The date of the proposed transfer. 102

(B) A federally licensed firearms dealer shall maintain the record book required by division (A) of this section and shall make it available at all times for inspection by any law enforcement officer. 103  
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(C) If a federally licensed firearms dealer who obtains a criminal records check on a prospective transferee under section 2923.27 of the Revised Code has reason to believe, based on the information received from the criminal records check, that the receipt or possession of a firearm by the prospective transferee 107  
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would violate federal, state, or local law, the dealer, within 112  
twenty-four hours after receiving the information, shall inform 113  
the chief law enforcement officers of the municipal corporations 114  
or counties in which the prospective transferor and transferee 115  
reside of the identity of the prospective transferee and the basis 116  
of the dealer's belief. 117

(D)(1) Whoever violates division (A) or (B) of this section 118  
is guilty of failure to maintain a gun show record, a misdemeanor 119  
of the first degree. 120

(2) Whoever violates division (C) of this section is guilty 121  
of failure to report a firearm disability, a misdemeanor of the 122  
first degree. 123

**Sec. 2923.29.** For each criminal records check conducted 124  
pursuant to section 2923.27 of the Revised Code, a federally 125  
licensed firearms dealer may charge a fee not exceeding ten 126  
dollars. 127