

**As Introduced**

**130th General Assembly  
Regular Session  
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**H. B. No. 137**

**Representative Patmon**

**Cosponsors: Representatives Foley, Antonio, Hagan, R., Driehaus, Williams,  
Reece**

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**A B I L L**

To enact section 2923.26 of the Revised Code to 1  
prohibit any transfer of a firearm from a person 2  
who is not a federally licensed firearms dealer to 3  
a person who is not a federally licensed firearms 4  
dealer unless the firearm is transferred through a 5  
federally licensed firearms dealer, through a 6  
state or local law enforcement agency, or pursuant 7  
to a specified exception; to require that 8  
background checks be conducted when a firearm is 9  
transferred through a federally licensed firearms 10  
dealer or through a state or local law enforcement 11  
agency; and to provide for recordkeeping with 12  
respect to information obtained pursuant to such a 13  
background check. 14

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

**Section 1.** That section 2923.26 of the Revised Code be 15  
enacted to read as follows: 16

**Sec. 2923.26.** (A) As used in this section: 17

(1) "Federally licensed firearms dealer" has the same meaning 18

as in section 5502.63 of the Revised Code. 19

(2) "Unlicensed transferee" means a person who is not a 20  
federally licensed firearms dealer and who desires to receive a 21  
firearm from an unlicensed transferor. 22

(3) "Unlicensed transferor" means a person who is not a 23  
federally licensed firearms dealer and who desires to transfer a 24  
firearm to an unlicensed transferee. 25

(4) "Identification document" means a document made or issued 26  
by or under the authority of the United States government, this 27  
state, or any other state, a political subdivision of this state 28  
or any other state, a sponsoring entity of an event designated as 29  
a special event of national significance, a foreign government, a 30  
political subdivision of a foreign government, an international 31  
governmental organization, or an international quasi-governmental 32  
organization that, when completed with information concerning a 33  
particular individual, is of a type intended or commonly accepted 34  
for the purpose of identification of individuals. 35

(B) No federally licensed firearms dealer shall transfer a 36  
firearm to any person unless the federally licensed firearms 37  
dealer complies with the requirements of 18 U.S.C. section 922(t). 38

(C)(1) No unlicensed transferor shall transfer a firearm to 39  
an unlicensed transferee, unless both of the following apply with 40  
respect to the transfer of the firearm: 41

(a) The firearm is transferred through a federally licensed 42  
firearms dealer under division (E) of this section, through a law 43  
enforcement agency under division (F) of this section, or in 44  
accordance with an exception described in division (G) of this 45  
section. 46

(b) The firearm is transferred in accordance with division 47  
(C)(2) of this section. 48

(2) Except as provided in division (G) of this section, an 49  
unlicensed transferor shall not do any of the following: 50

(a) Subject to division (C)(2)(b) of this section, transfer a 51  
firearm to an unlicensed transferee until the federally licensed 52  
firearms dealer through which the transfer is made under division 53  
(E) of this section gives a notice described in division (E)(4)(a) 54  
of this section, or the law enforcement agency through which the 55  
transfer is made under division (F) of this section gives a notice 56  
described in division (F)(4)(a) of this section; 57

(b) Transfer a firearm to an unlicensed transferee if the 58  
federally licensed firearms dealer through which the transfer is 59  
made under division (E) of this section gives a notice described 60  
in division (E)(4)(b) of this section, or the law enforcement 61  
agency through which the transfer is made under division (F) of 62  
this section gives a notice described in division (F)(3)(b) of 63  
this section. 64

(3) Nothing in this section permits or authorizes the 65  
attorney general of this state or the attorney general of the 66  
United States to impose recordkeeping requirements on any 67  
unlicensed transferor. 68

(D)(1) No unlicensed transferee shall receive a firearm from 69  
an unlicensed transferor, unless both of the following apply with 70  
respect to the transfer of the firearm: 71

(a) The firearm is transferred through a federally licensed 72  
firearms dealer under division (E) of this section, through a law 73  
enforcement agency under division (F) of this section, or in 74  
accordance with an exception described in division (G) of this 75  
section. 76

(b) The firearm is transferred in accordance with division 77  
(D)(2) of this section. 78

(2) Except as provided in division (G) of this section, an 79

unlicensed transferee shall not do any of the following: 80

(a) Subject to division (D)(2)(b) of this section, receive a 81  
firearm from an unlicensed transferor until the federally licensed 82  
firearms dealer through which the transfer is made under division 83  
(E) of this section gives a notice described in division (E)(4)(a) 84  
of this section, or the law enforcement agency through which the 85  
transfer is made under division (F) of this section gives a notice 86  
described in division (F)(4)(a) of this section; 87

(b) Receive a firearm from another unlicensed transferor if 88  
the federally licensed firearms dealer through which the transfer 89  
is made under division (E) of this section gives a notice 90  
described in division (E)(4)(b) of this section, or the law 91  
enforcement agency through which the transfer is made under 92  
division (F) of this section gives a notice described in division 93  
(F)(4)(b) of this section. 94

(E) A federally licensed firearms dealer who agrees to assist 95  
in the transfer of a firearm between an unlicensed transferor and 96  
an unlicensed transferee under division (C) or (D) of this section 97  
shall do all of the following: 98

(1) Enter any information about the firearm that the attorney 99  
general of this state or the attorney general of the United States 100  
may require by rule or regulation into a separate bound record; 101

(2) Record the transfer on a form prescribed by the attorney 102  
general of this state pursuant to division (J) of this section; 103

(3) Comply with 18 U.S.C. section 922(t) as if transferring 104  
the firearm from the inventory of the federally licensed firearms 105  
dealer to the unlicensed transferee, except that a federally 106  
licensed firearms dealer assisting in the transfer of a firearm 107  
under this division shall not be required to comply again with the 108  
requirements of that provision in delivering the firearm to the 109  
unlicensed transferee; 110

(4) Notify the unlicensed transferor and unlicensed transferee of both of the following: 111  
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(a) Of compliance with 18 U.S.C. section 922(t) as provided in division (E)(3) of this section; 113  
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(b) If the transfer is subject to 18 U.S.C. section 922(t)(1), of receipt by the federally licensed firearms dealer of a notice from the national instant criminal background check system that the transfer would violate 18 U.S.C. section 922 or the law of this state. 115  
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(5) Not later than thirty-one days after the date on which the transfer occurs, submit to the attorney general of the United States a report of the transfer on a form prescribed by the attorney general of this state pursuant to division (J) of this section that does not include the name of or other identifying information relating to the unlicensed transferor or unlicensed transferee; 120  
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(6) If the federally licensed firearms dealer assists an unlicensed transferor in transferring at the same time or during any five consecutive business days two or more pistols or revolvers, or any combination of pistols and revolvers totaling two or more, to the same unlicensed transferee, in addition to the reports required under division (E)(5) of this section, prepare a report of the multiple transfers on a form prescribed by the attorney general of this state pursuant to division (J) of this section and submit the report not later than the close of business on the date on which the transfer requiring the report under this division occurs to the office specified on the form described in division (E)(5) of this section and to the bureau of criminal identification and investigation; 127  
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(7) Retain a record of the transfer as part of the permanent business records of the federally licensed firearms dealer. 140  
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(F) A law enforcement agency of this state or of a political subdivision of this state that agrees to assist an unlicensed transferor in carrying out the responsibilities of the unlicensed transferor under division (C) of this section with respect to the transfer of a firearm shall do all of the following: 142  
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(1) Contact the national instant criminal background check system under 18 U.S.C. section 922(t) and either receive an identification number as described in 18 U.S.C. section 922(t)(1)(B)(i) or wait the period described in 18 U.S.C. section 922(t)(1)(B)(ii); 147  
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(2) Conduct any other checks that the agency considers appropriate to determine whether the receipt or possession of the firearm by the unlicensed transferee would violate 18 U.S.C. section 922 or the law of this state; 152  
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(3) Verify the identity of the unlicensed transferee by either examining a valid identification document of the unlicensed transferee containing a photograph of the unlicensed transferee or confirming that the unlicensed transferor has examined such a valid identification document; 156  
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(4) Notify the unlicensed transferor and transferee of all of the following: 161  
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(a) The compliance by the law enforcement agency with the requirements under divisions (F)(1), (2), and (3) of this section; 163  
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(b) Any receipt by the law enforcement agency of a notification from the national instant criminal background check system or other information that the transfer would violate 18 U.S.C. section 922 or would violate the law of this state. 165  
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(5) Not later than thirty-one days after the date on which the transfer occurs, submit to the attorney general of the United States a report of the transfer on a form prescribed by the attorney general of this state pursuant to division (J) of this 169  
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section that does not include the name of or other identifying information relating to the unlicensed transferor or unlicensed transferee; 173  
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(6) If the law enforcement agency assists an unlicensed transferor in transferring at the same time or during any five consecutive business days two or more pistols or revolvers, or any combination of pistols and revolvers totaling two or more, to the same unlicensed transferee, in addition to the reports required under division (F)(5) of this section, prepare a report of the multiple transfers on a form prescribed by the attorney general of this state pursuant to division (J) of this section and submit the report not later than twenty-four hours after the transfer requiring the report under this division occurs to the office specified on the form described in division (E)(5) of this section and to the bureau of criminal identification and investigation; 176  
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(7) Maintain records of the transfer at any place, and in any form, that the attorney general of this state or the attorney general of the United States may prescribe. 188  
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(G) Unless prohibited by any other provision of law, divisions (C) and (D) of this section shall not apply to any transfer of a firearm between an unlicensed transferor and unlicensed transferee if any of the following apply with respect to the transfer: 191  
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(1) The transfer is a bona fide gift between immediate family members, including spouses, parents, children, siblings, grandparents, and grandchildren. 196  
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(2) The transfer occurs by operation of law, or because of the death of another person for whom the unlicensed transferor is an executor or administrator of an estate or a trustee of a trust created in a will. 199  
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(3) The transfer is temporary and occurs while in the home of 203

the unlicensed transferee, the unlicensed transferee is not 204  
otherwise prohibited from possessing firearms, and the unlicensed 205  
transferee believes that possession of the firearm is necessary to 206  
prevent imminent death or great bodily harm to the unlicensed 207  
transferee. 208

(4) The transfer is approved by the attorney general of the 209  
United States under section 5812 of the Internal Revenue Code of 210  
1986. 211

(5) The transfer is a temporary transfer of possession 212  
without transfer of title that takes place in any of the following 213  
circumstances: 214

(a) At a shooting range located in or on premises owned or 215  
occupied by a duly incorporated organization organized for 216  
conservation purposes or to foster proficiency in firearms; 217

(b) At a target firearm shooting competition under the 218  
auspices of or approved by an agency of this state or a nonprofit 219  
organization; 220

(c) While hunting, fishing, or trapping, if the activity is 221  
legal in all places where the unlicensed transferee possesses the 222  
firearm, and the unlicensed transferee holds any required license 223  
or permit. 224

(6) The transfer is to an authorized representative of a law 225  
enforcement agency of any city, any county, this state, or the 226  
federal government for exclusive use by that governmental entity 227  
and, prior to the transfer, written authorization from the head of 228  
the agency authorizing the transaction is presented to the person 229  
from whom the transfer is being made. The proper written 230  
authorization shall be verifiable written certification from the 231  
head of the agency by which the transferee is employed, 232  
identifying the employee as an individual authorized to conduct 233  
the transaction, and authorizing the transaction for the exclusive 234



use of the agency by which that person is employed. 235

(7) The transfer is a loan of the firearm by an authorized 236  
law enforcement representative of a municipal corporation, a 237  
county, this state, or the federal government, the loan is made to 238  
a peace officer who is employed by that governmental entity and 239  
authorized to carry a firearm, and the loan is made for the 240  
carrying and use of that firearm by that peace officer in the 241  
course and scope of the officer's duties. 242

(8) The transfer is by a law enforcement agency to a peace 243  
officer. 244

(9) The transfer is by a law enforcement agency to a retiring 245  
peace officer of that agency who is authorized to carry a firearm. 246

(10) The transfer is to an authorized representative of a 247  
municipal corporation, a county, this state, or the federal 248  
government and is for the governmental entity, and the entity is 249  
acquiring the firearm as part of an authorized, voluntary program 250  
in which the entity is buying or receiving weapons from private 251  
individuals. 252

(11) The transfer is by an authorized law enforcement 253  
representative of a municipal corporation, a county, this state, 254  
or the federal government to any public or private nonprofit 255  
historical society, museum, or institutional collection, if all of 256  
the following conditions are met: 257

(a) The entity receiving the firearm is open to the public. 258

(b) The firearm prior to delivery is deactivated or rendered 259  
inoperable. 260

(c) The firearm is not of a type prohibited by provision of 261  
law from being transferred to the public at large. 262

(d) Prior to delivery, the entity receiving the firearm 263  
submits a written statement to the law enforcement representative 264

stating that the firearm will not be restored to operating 265  
condition and will either remain with that entity, or if 266  
subsequently disposed of, will be transferred in accordance with 267  
the applicable provisions of law. 268

(12) The transfer is by any person other than a 269  
representative of an authorized law enforcement agency to any 270  
public or private nonprofit historical society, museum, or 271  
institutional collection, if all of the conditions set forth in 272  
divisions (G)(11)(a) to (d) of this section are met. 273

(13) The transfer is delivery of a firearm to a gunsmith for 274  
service or repair, is the return of the firearm to its owner by 275  
the gunsmith, or is the delivery of a firearm by a gunsmith to a 276  
federally licensed firearms dealer for service or repair or the 277  
return of the firearm to the gunsmith. 278

(14) The transfer is made by a person who resides in this 279  
state, is made to a person who resides outside this state and is a 280  
federally licensed firearms dealer, and is in accordance with 281  
federal firearms law. 282

(15) The transfer is of any unloaded firearm to a wholesaler 283  
as merchandise in the wholesaler's business by a manufacturer or 284  
importer licensed to engage in that business pursuant to federal 285  
firearms law or by another wholesaler and is made in accordance 286  
with federal firearms law. 287

(H) A federally licensed firearms dealer or law enforcement 288  
agency that processes the transfer of a firearm under this section 289  
may assess and collect a fee, in an amount not to exceed ten 290  
dollars, with respect to each firearm transfer processed. 291

(I) Nothing in division (F)(7) of this section shall be 292  
construed to authorize the attorney general of this state or the 293  
attorney general of the United States to inspect records described 294  
in that division or to require that the records be transferred to 295

a facility owned, managed, or controlled by this state or the 296  
United States. 297

(J) The attorney general of this state by rule shall 298  
prescribe the forms to be used for keeping the records and making 299  
the reports required under this section. If the attorney general 300  
of the United States adopts forms to be used for keeping similar 301  
records and making similar reports that may be required under 302  
federal law, the attorney general of this state shall prescribe 303  
those forms to be used for keeping the records and making the 304  
reports required under this section. 305

(K) Whoever violates division (B), (C), or (D) of this 306  
section is guilty of illegal transfer of a firearm. Except as 307  
otherwise provided in this division, illegal transfer of a firearm 308  
is a misdemeanor of the first degree. If the offender previously 309  
has been convicted of or pleaded guilty to a violation of this 310  
section, illegal transfer of a firearm is a felony of the fifth 311  
degree. 312