

As Introduced

**130th General Assembly
Regular Session
2013-2014**

H. B. No. 191

Representative Becker

**Cosponsors: Representatives Hood, Johnson, Buchy, Hackett, Thompson,
Retherford, Wachtmann, Lynch, Beck, Adams, J., Maag**

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A B I L L

To amend section 2923.11 of the Revised Code to 1
generally remove from the definition of "automatic 2
firearm" in the Weapons Control Law a 3
semi-automatic firearm designed or specifically 4
adapted to fire more than 31 cartridges without 5
reloading. 6

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

Section 1. That section 2923.11 of the Revised Code be 7
amended to read as follows: 8

Sec. 2923.11. As used in sections 2923.11 to 2923.24 of the 9
Revised Code: 10

(A) "Deadly weapon" means any instrument, device, or thing 11
capable of inflicting death, and designed or specially adapted for 12
use as a weapon, or possessed, carried, or used as a weapon. 13

(B)(1) "Firearm" means any deadly weapon capable of expelling 14
or propelling one or more projectiles by the action of an 15
explosive or combustible propellant. "Firearm" includes an 16
unloaded firearm, and any firearm that is inoperable but that can 17
readily be rendered operable. 18

(2) When determining whether a firearm is capable of expelling or propelling one or more projectiles by the action of an explosive or combustible propellant, the trier of fact may rely upon circumstantial evidence, including, but not limited to, the representations and actions of the individual exercising control over the firearm.

(C) "Handgun" means any of the following:

(1) Any firearm that has a short stock and is designed to be held and fired by the use of a single hand;

(2) Any combination of parts from which a firearm of a type described in division (C)(1) of this section can be assembled.

(D) "Semi-automatic firearm" means any firearm designed or specially adapted to fire a single cartridge and automatically chamber a succeeding cartridge ready to fire, with a single function of the trigger.

(E) "Automatic firearm" means any firearm designed or specially adapted to fire a succession of cartridges with a single function of the trigger. ~~"Automatic firearm" also means any semi-automatic firearm designed or specially adapted to fire more than thirty one cartridges without reloading, other than a firearm chambering only .22 caliber short, long, or long rifle cartridges.~~

(F) "Sawed-off firearm" means a shotgun with a barrel less than eighteen inches long, or a rifle with a barrel less than sixteen inches long, or a shotgun or rifle less than twenty-six inches long overall.

(G) "Zip-gun" means any of the following:

(1) Any firearm of crude and extemporized manufacture;

(2) Any device, including without limitation a starter's pistol, that is not designed as a firearm, but that is specially adapted for use as a firearm;

(3) Any industrial tool, signalling device, or safety device, 49
that is not designed as a firearm, but that as designed is capable 50
of use as such, when possessed, carried, or used as a firearm. 51

(H) "Explosive device" means any device designed or specially 52
adapted to cause physical harm to persons or property by means of 53
an explosion, and consisting of an explosive substance or agency 54
and a means to detonate it. "Explosive device" includes without 55
limitation any bomb, any explosive demolition device, any blasting 56
cap or detonator containing an explosive charge, and any pressure 57
vessel that has been knowingly tampered with or arranged so as to 58
explode. 59

(I) "Incendiary device" means any firebomb, and any device 60
designed or specially adapted to cause physical harm to persons or 61
property by means of fire, and consisting of an incendiary 62
substance or agency and a means to ignite it. 63

(J) "Ballistic knife" means a knife with a detachable blade 64
that is propelled by a spring-operated mechanism. 65

(K) "Dangerous ordnance" means any of the following, except 66
as provided in division (L) of this section: 67

(1) Any automatic or sawed-off firearm, zip-gun, or ballistic 68
knife; 69

(2) Any explosive device or incendiary device; 70

(3) Nitroglycerin, nitrocellulose, nitrostarch, PETN, 71
cyclonite, TNT, picric acid, and other high explosives; amatol, 72
tritonite, tetrytol, pentolite, pecretol, cyclotol, and other high 73
explosive compositions; plastic explosives; dynamite, blasting 74
gelatin, gelatin dynamite, sensitized ammonium nitrate, 75
liquid-oxygen blasting explosives, blasting powder, and other 76
blasting agents; and any other explosive substance having 77
sufficient brisance or power to be particularly suitable for use 78
as a military explosive, or for use in mining, quarrying, 79

excavating, or demolitions;	80
(4) Any firearm, rocket launcher, mortar, artillery piece, grenade, mine, bomb, torpedo, or similar weapon, designed and manufactured for military purposes, and the ammunition for that weapon;	81 82 83 84
(5) Any firearm muffler or silencer;	85
(6) Any combination of parts that is intended by the owner for use in converting any firearm or other device into a dangerous ordnance.	86 87 88
(L) "Dangerous ordnance" does not include any of the following:	89 90
(1) Any firearm, including a military weapon and the ammunition for that weapon, and regardless of its actual age, that employs a percussion cap or other obsolete ignition system, or that is designed and safe for use only with black powder;	91 92 93 94
(2) Any pistol, rifle, or shotgun, designed or suitable for sporting purposes, including a military weapon as issued or as modified, and the ammunition for that weapon, unless the firearm is an automatic or sawed-off firearm;	95 96 97 98
(3) Any cannon or other artillery piece that, regardless of its actual age, is of a type in accepted use prior to 1887, has no mechanical, hydraulic, pneumatic, or other system for absorbing recoil and returning the tube into battery without displacing the carriage, and is designed and safe for use only with black powder;	99 100 101 102 103
(4) Black powder, priming quills, and percussion caps possessed and lawfully used to fire a cannon of a type defined in division (L)(3) of this section during displays, celebrations, organized matches or shoots, and target practice, and smokeless and black powder, primers, and percussion caps possessed and lawfully used as a propellant or ignition device in small-arms or	104 105 106 107 108 109

small-arms ammunition; 110

(5) Dangerous ordnance that is inoperable or inert and cannot 111
readily be rendered operable or activated, and that is kept as a 112
trophy, souvenir, curio, or museum piece. 113

(6) Any device that is expressly excepted from the definition 114
of a destructive device pursuant to the "Gun Control Act of 1968," 115
82 Stat. 1213, 18 U.S.C. 921(a)(4), as amended, and regulations 116
issued under that act. 117

(M) "Explosive" means any chemical compound, mixture, or 118
device, the primary or common purpose of which is to function by 119
explosion. "Explosive" includes all materials that have been 120
classified as division 1.1, division 1.2, division 1.3, or 121
division 1.4 explosives by the United States department of 122
transportation in its regulations and includes, but is not limited 123
to, dynamite, black powder, pellet powders, initiating explosives, 124
blasting caps, electric blasting caps, safety fuses, fuse 125
igniters, squibs, cordeau detonant fuses, instantaneous fuses, and 126
igniter cords and igniters. "Explosive" does not include 127
"fireworks," as defined in section 3743.01 of the Revised Code, or 128
any substance or material otherwise meeting the definition of 129
explosive set forth in this section that is manufactured, sold, 130
possessed, transported, stored, or used in any activity described 131
in section 3743.80 of the Revised Code, provided the activity is 132
conducted in accordance with all applicable laws, rules, and 133
regulations, including, but not limited to, the provisions of 134
section 3743.80 of the Revised Code and the rules of the fire 135
marshal adopted pursuant to section 3737.82 of the Revised Code. 136

(N)(1) "Concealed handgun license" or "license to carry a 137
concealed handgun" means, subject to division (N)(2) of this 138
section, a license or temporary emergency license to carry a 139
concealed handgun issued under section 2923.125 or 2923.1213 of 140
the Revised Code or a license to carry a concealed handgun issued 141

by another state with which the attorney general has entered into 142
a reciprocity agreement under section 109.69 of the Revised Code. 143

(2) A reference in any provision of the Revised Code to a 144
concealed handgun license issued under section 2923.125 of the 145
Revised Code or a license to carry a concealed handgun issued 146
under section 2923.125 of the Revised Code means only a license of 147
the type that is specified in that section. A reference in any 148
provision of the Revised Code to a concealed handgun license 149
issued under section 2923.1213 of the Revised Code, a license to 150
carry a concealed handgun issued under section 2923.1213 of the 151
Revised Code, or a license to carry a concealed handgun on a 152
temporary emergency basis means only a license of the type that is 153
specified in section 2923.1213 of the Revised Code. A reference in 154
any provision of the Revised Code to a concealed handgun license 155
issued by another state or a license to carry a concealed handgun 156
issued by another state means only a license issued by another 157
state with which the attorney general has entered into a 158
reciprocity agreement under section 109.69 of the Revised Code. 159

(O) "Valid concealed handgun license" or "valid license to 160
carry a concealed handgun" means a concealed handgun license that 161
is currently valid, that is not under a suspension under division 162
(A)(1) of section 2923.128 of the Revised Code, under section 163
2923.1213 of the Revised Code, or under a suspension provision of 164
the state other than this state in which the license was issued, 165
and that has not been revoked under division (B)(1) of section 166
2923.128 of the Revised Code, under section 2923.1213 of the 167
Revised Code, or under a revocation provision of the state other 168
than this state in which the license was issued. 169

Section 2. That existing section 2923.11 of the Revised Code 170
is hereby repealed. 171