

As Introduced

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

H. B. No. 99

Representatives Retherford, Hood

**Cosponsors: Representatives Maag, Becker, Thompson, Conditt, Buchy,
Ruhl, Blessing, Adams, J., Johnson**

—

A B I L L

To enact sections 5502.23 and 5502.231 of the Revised 1
Code to prohibit any agency and its employees and 2
agents from seizing or authorizing the seizure of 3
any firearm from any person lawfully in possession 4
or control of the firearm except when a law 5
enforcement officer reasonably believes the 6
immediate seizure of the firearm is necessary for 7
the safety of the officer or another person or to 8
preserve the firearm as evidence, to prohibit the 9
establishment of a firearm registry, and to 10
prohibit law enforcement officers and 11
international agents from enforcing a firearms 12
registration requirement or firearm ban. 13

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

Section 1. That sections 5502.23 and 5502.231 of the Revised 14
Code be enacted to read as follows: 15

Sec. 5502.23. (A) Except as provided in division (B) of this 16
section, no agency, or employee or agent of an agency, shall seize 17
or authorize the seizure of any firearm from any person who is 18
lawfully in possession or control of a firearm. 19

(B)(1) A law enforcement officer who is acting in the lawful discharge of the officer's duties may seize a firearm in the possession, or under the control, of any person if the law enforcement officer reasonably believes the immediate seizure of the firearm is necessary for the safety of the law enforcement officer or another individual. The law enforcement officer shall return the firearm to the person from whom it was seized if the person is not arrested, the firearm is not seized under division (B)(2) of this section, and the reason for the seizure of the firearm no longer exists. 20
21
22
23
24
25
26
27
28
29

(2) A law enforcement officer who is acting in the lawful discharge of the officer's duties may seize a firearm when the seizure is necessary to preserve the firearm as evidence, or for the investigation, of a criminal offense. 30
31
32
33

(C) As used in this section, "firearm" has the same meaning as in section 2923.11 of the Revised Code. 34
35

Sec. 5502.231. (A) No law enforcement officer, federal law enforcement officer, international agent, or other person shall enforce or attempt to enforce a firearm registration requirement or firearm ban in any statute or rule of this state or the United States or any ordinance, resolution, or rule of a political subdivision, unless the registration requirement or ban is in effect prior to the effective date of this section. 36
37
38
39
40
41
42

(B) No political subdivision shall enact or adopt any ordinance, resolution, or rule that requires a person to register a firearm or establishes a firearm registry. 43
44
45

(C) Whoever violates division (A) of this section is guilty of unlawful enforcement of a firearm registration requirement or firearm ban, a felony of the first degree. 46
47
48

(D) As used in this section: 49

(1) "Federal law enforcement officer" has the same meaning as 50
in section 2921.51 of the Revised Code. 51

(2) "Firearm" has the same meaning as in section 2923.11 of 52
the Revised Code. 53

(3) "Firearm ban" means any ban or prohibition on a person's 54
possession of a firearm that is not based on the status or 55
condition of the person or limited to the possession of a firearm 56
in a school safety zone, courthouse, or other designated location. 57

(4) "Political subdivision" has the same meaning as in 58
section 2921.421 of the Revised Code. 59