

As Introduced

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

S. B. No. 36

Senator Jordan

Cosponsor: Senator Schaffer

—

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 20

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

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

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

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

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

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

(D) As used in this section: 49

(1) "Federal law enforcement officer" has the same meaning as 50

<u>in section 2921.51 of the Revised Code.</u>	51
<u>(2) "Firearm" has the same meaning as in section 2923.11 of the Revised Code.</u>	52
<u>(3) "Firearm ban" means any ban or prohibition on a person's possession of a firearm that is not based on the status or condition of the person or limited to the possession of a firearm in a school safety zone, courthouse, or other designated location.</u>	54
<u>(4) "Political subdivision" has the same meaning as in section 2921.421 of the Revised Code.</u>	58
	59