

**As Introduced**

**133rd General Assembly**

**Regular Session**

**2019-2020**

**H. B. No. 86**

**Representative Plummer**

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**A BILL**

To amend section 2923.11 of the Revised Code to 1  
correct a drafting error in the definition of 2  
"dangerous ordnance" that resulted from Am. Sub. 3  
H.B. 228 of the 132nd General Assembly. 4

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

**Section 1.** That section 2923.11 of the Revised Code be 5  
amended to read as follows: 6

**Sec. 2923.11.** As used in sections 2923.11 to 2923.24 of 7  
the Revised Code: 8

(A) "Deadly weapon" means any instrument, device, or thing 9  
capable of inflicting death, and designed or specially adapted 10  
for use as a weapon, or possessed, carried, or used as a weapon. 11

(B) (1) "Firearm" means any deadly weapon capable of 12  
expelling or propelling one or more projectiles by the action of 13  
an explosive or combustible propellant. "Firearm" includes an 14  
unloaded firearm, and any firearm that is inoperable but that 15  
can readily be rendered operable. 16

(2) When determining whether a firearm is capable of 17  
expelling or propelling one or more projectiles by the action of 18

an explosive or combustible propellant, the trier of fact may 19  
rely upon circumstantial evidence, including, but not limited 20  
to, the representations and actions of the individual exercising 21  
control over the firearm. 22

(C) "Handgun" means any of the following: 23

(1) Any firearm that has a short stock and is designed to 24  
be held and fired by the use of a single hand; 25

(2) Any combination of parts from which a firearm of a 26  
type described in division (C) (1) of this section can be 27  
assembled. 28

(D) "Semi-automatic firearm" means any firearm designed or 29  
specially adapted to fire a single cartridge and automatically 30  
chamber a succeeding cartridge ready to fire, with a single 31  
function of the trigger. 32

(E) "Automatic firearm" means any firearm designed or 33  
specially adapted to fire a succession of cartridges with a 34  
single function of the trigger. 35

(F) "Sawed-off firearm" means a shotgun with a barrel less 36  
than eighteen inches long, or a rifle with a barrel less than 37  
sixteen inches long, or a shotgun or rifle less than twenty-six 38  
inches long overall. "Sawed-off firearm" does not include any 39  
firearm with an overall length of at least twenty-six inches 40  
that is approved for sale by the federal bureau of alcohol, 41  
tobacco, firearms, and explosives under the "Gun Control Act of 42  
1968," 82 Stat. 1213, 18 U.S.C. 921(a) (3), but that is found by 43  
the bureau not to be regulated under the "National Firearms 44  
Act," 68A Stat. 725 (1934), 26 U.S.C. 5845(a). 45

(G) "Zip-gun" means any of the following: 46

(1) Any firearm of crude and extemporized manufacture;	47
(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;	48 49 50
(3) Any industrial tool, signalling device, or safety device, that is not designed as a firearm, but that as designed is capable of use as such, when possessed, carried, or used as a firearm.	51 52 53 54
(H) "Explosive device" means any device designed or specially adapted to cause physical harm to persons or property by means of an explosion, and consisting of an explosive substance or agency and a means to detonate it. "Explosive device" includes without limitation any bomb, any explosive demolition device, any blasting cap or detonator containing an explosive charge, and any pressure vessel that has been knowingly tampered with or arranged so as to explode.	55 56 57 58 59 60 61 62
(I) "Incendiary device" means any firebomb, and any device designed or specially adapted to cause physical harm to persons or property by means of fire, and consisting of an incendiary substance or agency and a means to ignite it.	63 64 65 66
(J) "Ballistic knife" means a knife with a detachable blade that is propelled by a spring-operated mechanism.	67 68
(K) "Dangerous ordnance" means any of the following, except as provided in division (L) of this section:	69 70
(1) Any automatic or sawed-off firearm, zip-gun, or ballistic knife;	71 72
(2) Any explosive device or incendiary device;	73
(3) Nitroglycerin, nitrocellulose, nitrostarch, PETN,	74

cyclonite, TNT, picric acid, and other high explosives; amatol, 75  
tritonite, tetrytol, pentolite, pecretol, cyclotol, and other 76  
high explosive compositions; plastic explosives; dynamite, 77  
blasting gelatin, gelatin dynamite, sensitized ammonium nitrate, 78  
liquid-oxygen blasting explosives, blasting powder, and other 79  
blasting agents; and any other explosive substance having 80  
sufficient brisance or power to be particularly suitable for use 81  
as a military explosive, or for use in mining, quarrying, 82  
excavating, or demolitions; 83

(4) Any firearm, rocket launcher, mortar, artillery piece, 84  
grenade, mine, bomb, torpedo, or similar weapon, designed and 85  
manufactured for military purposes, and the ammunition for that 86  
weapon; 87

(5) Any firearm muffler or suppressor; 88

(6) Any combination of parts that is intended by the owner 89  
for use in converting any firearm or other device into a 90  
dangerous ordnance; 91

~~(7) Any firearm with an overall length of at least twenty-~~ 92  
~~six inches that is approved for sale by the federal bureau of~~ 93  
~~alcohol, tobacco, firearms, and explosives under the "Gun-~~ 94  
~~Control Act of 1968," 82 Stat. 1213, 18 U.S.C. 921(a) (3), but~~ 95  
~~that is found by the bureau not to be regulated under the~~ 96  
~~"National Firearms Act," 68A Stat. 725 (1934), 26 U.S.C.~~ 97  
~~5845(a).~~ 98

(L) "Dangerous ordnance" does not include any of the 99  
following: 100

(1) Any firearm, including a military weapon and the 101  
ammunition for that weapon, and regardless of its actual age, 102  
that employs a percussion cap or other obsolete ignition system, 103

or that is designed and safe for use only with black powder;	104
(2) Any pistol, rifle, or shotgun, designed or suitable	105
for sporting purposes, including a military weapon as issued or	106
as modified, and the ammunition for that weapon, unless the	107
firearm is an automatic or sawed-off firearm;	108
(3) Any cannon or other artillery piece that, regardless	109
of its actual age, is of a type in accepted use prior to 1887,	110
has no mechanical, hydraulic, pneumatic, or other system for	111
absorbing recoil and returning the tube into battery without	112
displacing the carriage, and is designed and safe for use only	113
with black powder;	114
(4) Black powder, priming quills, and percussion caps	115
possessed and lawfully used to fire a cannon of a type defined	116
in division (L) (3) of this section during displays,	117
celebrations, organized matches or shoots, and target practice,	118
and smokeless and black powder, primers, and percussion caps	119
possessed and lawfully used as a propellant or ignition device	120
in small-arms or small-arms ammunition;	121
(5) Dangerous ordnance that is inoperable or inert and	122
cannot readily be rendered operable or activated, and that is	123
kept as a trophy, souvenir, curio, or museum piece;	124
(6) Any device that is expressly excepted from the	125
definition of a destructive device pursuant to the "Gun Control	126
Act of 1968," 82 Stat. 1213, 18 U.S.C. 921(a) (4), as amended,	127
and regulations issued under that act;	128
<u>(7) Any firearm with an overall length of at least twenty-</u>	129
<u>six inches that is approved for sale by the federal bureau of</u>	130
<u>alcohol, tobacco, firearms, and explosives under the "Gun</u>	131
<u>Control Act of 1968," 82 Stat. 1213, 18 U.S.C. 921(a) (3), but</u>	132

that is found by the bureau not to be regulated under the 133  
"National Firearms Act," 68A Stat. 725 (1934), 26 U.S.C. 134  
5845(a). 135

(M) "Explosive" means any chemical compound, mixture, or 136  
device, the primary or common purpose of which is to function by 137  
explosion. "Explosive" includes all materials that have been 138  
classified as division 1.1, division 1.2, division 1.3, or 139  
division 1.4 explosives by the United States department of 140  
transportation in its regulations and includes, but is not 141  
limited to, dynamite, black powder, pellet powders, initiating 142  
explosives, blasting caps, electric blasting caps, safety fuses, 143  
fuse igniters, squibs, cordeau detonant fuses, instantaneous 144  
fuses, and igniter cords and igniters. "Explosive" does not 145  
include "fireworks," as defined in section 3743.01 of the 146  
Revised Code, or any substance or material otherwise meeting the 147  
definition of explosive set forth in this section that is 148  
manufactured, sold, possessed, transported, stored, or used in 149  
any activity described in section 3743.80 of the Revised Code, 150  
provided the activity is conducted in accordance with all 151  
applicable laws, rules, and regulations, including, but not 152  
limited to, the provisions of section 3743.80 of the Revised 153  
Code and the rules of the fire marshal adopted pursuant to 154  
section 3737.82 of the Revised Code. 155

(N) (1) "Concealed handgun license" or "license to carry a 156  
concealed handgun" means, subject to division (N) (2) of this 157  
section, a license or temporary emergency license to carry a 158  
concealed handgun issued under section 2923.125 or 2923.1213 of 159  
the Revised Code or a license to carry a concealed handgun 160  
issued by another state with which the attorney general has 161  
entered into a reciprocity agreement under section 109.69 of the 162  
Revised Code. 163

(2) A reference in any provision of the Revised Code to a concealed handgun license issued under section 2923.125 of the Revised Code or a license to carry a concealed handgun issued under section 2923.125 of the Revised Code means only a license of the type that is specified in that section. A reference in any provision of the Revised Code to a concealed handgun license issued under section 2923.1213 of the Revised Code, a license to carry a concealed handgun issued under section 2923.1213 of the Revised Code, or a license to carry a concealed handgun on a temporary emergency basis means only a license of the type that is specified in section 2923.1213 of the Revised Code. A reference in any provision of the Revised Code to a concealed handgun license issued by another state or a license to carry a concealed handgun issued by another state means only a license issued by another state with which the attorney general has entered into a reciprocity agreement under section 109.69 of the Revised Code.

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

(P) "Misdemeanor punishable by imprisonment for a term exceeding one year" does not include any of the following:

(1) Any federal or state offense pertaining to antitrust violations, unfair trade practices, restraints of trade, or other similar offenses relating to the regulation of business practices;	194 195 196 197
(2) Any misdemeanor offense punishable by a term of imprisonment of two years or less.	198 199
(Q) "Alien registration number" means the number issued by the United States citizenship and immigration services agency that is located on the alien's permanent resident card and may also be commonly referred to as the "USCIS number" or the "alien number."	200 201 202 203 204
(R) "Active duty" has the same meaning as defined in 10 U.S.C. 101.	205 206
<b>Section 2.</b> That existing section 2923.11 of the Revised Code is hereby repealed.	207 208
<b>Section 3.</b> The purpose of this act is to correct an amendment to section 2923.11 of the Revised Code made by Am. Sub. H.B. 228 of the 132nd General Assembly by relocating a provision that inadvertently was located in division (K) of that section but that was intended to have been located in division (L) of that section. It is the intent of the General Assembly that a firearm with an overall length of at least twenty-six inches that is approved for sale by the federal bureau of alcohol, tobacco, firearms, and explosives under the "Gun Control Act of 1968," but that is found by the bureau not to be regulated under the "National Firearms Act," is not to be considered dangerous ordnance under Ohio law.	209 210 211 212 213 214 215 216 217 218 219 220
<b>Section 4.</b> The amendments to section 2923.11 of the Revised Code in this act apply retroactively to any civil or	221 222

criminal proceeding based on conduct that occurred on or after	223
March 28, 2019, which is the effective date of Am. Sub. H.B. 228	224
of the 132nd General Assembly, and prior to the effective date	225
of this act.	226