

**As Introduced**

**135th General Assembly  
Regular Session  
2023-2024**

**H. B. No. 51**

**Representatives Loychik, Schmidt**

---

**A BILL**

To amend sections 2923.11, 2923.111, 2923.122, and 1  
2923.17 and to enact section 2923.50 of the 2  
Revised Code to enact the Second Amendment 3  
Preservation Act to add additional protections 4  
to the right to bear arms, to remove federal 5  
firearms law references from the state firearms 6  
control law, and to declare an emergency. 7

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

**Section 1.** That sections 2923.11, 2923.111, 2923.122, and 8  
2923.17 be amended and section 2923.50 of the Revised Code be 9  
enacted to read as follows: 10

**Sec. 2923.11.** As used in sections 2923.11 to 2923.24 of 11  
the Revised Code: 12

(A) "Deadly weapon" means any instrument, device, or thing 13  
capable of inflicting death, and designed or specially adapted 14  
for use as a weapon, or possessed, carried, or used as a weapon. 15

(B) (1) "Firearm" means any deadly weapon capable of 16  
expelling or propelling one or more projectiles by the action of 17  
an explosive or combustible propellant. "Firearm" includes an 18  
unloaded firearm, and any firearm that is inoperable but that 19

can readily be rendered operable. 20

(2) When determining whether a firearm is capable of 21  
expelling or propelling one or more projectiles by the action of 22  
an explosive or combustible propellant, the trier of fact may 23  
rely upon circumstantial evidence, including, but not limited 24  
to, the representations and actions of the individual exercising 25  
control over the firearm. 26

(C) "Handgun" means any of the following: 27

(1) Any firearm that has a short stock and is designed to 28  
be held and fired by the use of a single hand; 29

(2) Any firearm with an affixed brace, stabilizing device, 30  
arm brace, or pistol brace; 31

(3) Any combination of parts from which a firearm of a 32  
type described in division (C) (1) or (2) of this section can be 33  
assembled. 34

(D) "Semi-automatic firearm" means any firearm designed or 35  
specially adapted to fire a single cartridge and automatically 36  
chamber a succeeding cartridge ready to fire, with a single 37  
function of the trigger. 38

(E) "Automatic firearm" means any firearm designed or 39  
specially adapted to fire a succession of cartridges with a 40  
single function of the trigger. 41

(F) "Sawed-off firearm" means a shotgun with a barrel less 42  
than eighteen inches long, or a rifle with a barrel less than 43  
sixteen inches long, or a shotgun or rifle less than twenty-six 44  
inches long overall. "Sawed-off firearm" does not include a 45  
handgun and does not include any firearm with an overall length 46  
of at least twenty-six inches that is approved for sale by the 47

federal bureau of alcohol, tobacco, firearms, and explosives— 48  
~~under the "Gun Control Act of 1968," 82 Stat. 1213, 18 U.S.C.— 49~~  
~~921(a)(3), but that is found by the bureau not to be regulated— 50~~  
~~under the "National Firearms Act," 68A Stat. 725 (1934), 26— 51~~  
~~U.S.C. 5845(a). 52~~

(G) "Zip-gun" means any of the following: 53

(1) Any firearm of crude and extemporized manufacture; 54

(2) Any device, including without limitation a starter's 55  
pistol, that is not designed as a firearm, but that is specially 56  
adapted for use as a firearm; 57

(3) Any industrial tool, signalling device, or safety 58  
device, that is not designed as a firearm, but that as designed 59  
is capable of use as such, when possessed, carried, or used as a 60  
firearm. 61

(H) "Explosive device" means any device designed or 62  
specially adapted to cause physical harm to persons or property 63  
by means of an explosion, and consisting of an explosive 64  
substance or agency and a means to detonate it. "Explosive 65  
device" includes without limitation any bomb, any explosive 66  
demolition device, any blasting cap or detonator containing an 67  
explosive charge, and any pressure vessel that has been 68  
knowingly tampered with or arranged so as to explode. 69

(I) "Incendiary device" means any firebomb, and any device 70  
designed or specially adapted to cause physical harm to persons 71  
or property by means of fire, and consisting of an incendiary 72  
substance or agency and a means to ignite it. 73

(J) "Ballistic knife" means a knife with a detachable 74  
blade that is propelled by a spring-operated mechanism. 75

(K) "Dangerous ordnance" means any of the following,	76
except as provided in division (L) of this section:	77
(1) Any automatic or sawed-off firearm, zip-gun, or	78
ballistic knife;	79
(2) Any explosive device or incendiary device;	80
(3) Nitroglycerin, nitrocellulose, nitrostarch, PETN,	81
cyclonite, TNT, picric acid, and other high explosives; amatol,	82
tritonite, tetrytol, pentolite, pecretol, cyclotol, and other	83
high explosive compositions; plastic explosives; dynamite,	84
blasting gelatin, gelatin dynamite, sensitized ammonium nitrate,	85
liquid-oxygen blasting explosives, blasting powder, and other	86
blasting agents; and any other explosive substance having	87
sufficient brisance or power to be particularly suitable for use	88
as a military explosive, or for use in mining, quarrying,	89
excavating, or demolitions;	90
(4) Any firearm, rocket launcher, mortar, artillery piece,	91
grenade, mine, bomb, torpedo, or similar weapon, designed and	92
manufactured for military purposes, and the ammunition for that	93
weapon;	94
(5) Any firearm muffler or suppressor;	95
(6) Any combination of parts that is intended by the owner	96
for use in converting any firearm or other device into a	97
dangerous ordnance.	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~~
- ~~(7) Any firearm with an overall length of at least twenty- 129  
six inches that is approved for sale by the federal bureau of 130  
alcohol, tobacco, firearms, and explosives under the "Gun 131  
Control Act of 1968," 82 Stat. 1213, 18 U.S.C. 921(a) (3), but 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

(7) Any firearm with an affixed brace, stabilizing device, 136  
arm brace, or pistol brace. 137

(M) "Explosive" means any chemical compound, mixture, or 138  
device, the primary or common purpose of which is to function by 139  
explosion. "Explosive" includes all materials that have been 140  
classified as division 1.1, division 1.2, division 1.3, or 141  
division 1.4 explosives by the United States department of 142  
transportation in its regulations and includes, but is not 143  
limited to, dynamite, black powder, pellet powders, initiating 144  
explosives, blasting caps, electric blasting caps, safety fuses, 145  
fuse igniters, squibs, cordeau detonant fuses, instantaneous 146  
fuses, and igniter cords and igniters. "Explosive" does not 147  
include "fireworks," as defined in section 3743.01 of the 148  
Revised Code, or any substance or material otherwise meeting the 149  
definition of explosive set forth in this section that is 150  
manufactured, sold, possessed, transported, stored, or used in 151  
any activity described in section 3743.80 of the Revised Code, 152  
provided the activity is conducted in accordance with all 153  
applicable laws, rules, and regulations, including, but not 154  
limited to, the provisions of section 3743.80 of the Revised 155  
Code and the rules of the fire marshal adopted pursuant to 156  
section 3737.82 of the Revised Code. 157

(N) (1) "Concealed handgun license" or "license to carry a 158  
concealed handgun" means, subject to division (N) (2) of this 159  
section, a license or temporary emergency license to carry a 160  
concealed handgun issued under section 2923.125 or 2923.1213 of 161  
the Revised Code or a license to carry a concealed handgun 162

issued by another state with which the attorney general has 163  
entered into a reciprocity agreement under section 109.69 of the 164  
Revised Code. 165

(2) A reference in any provision of the Revised Code to a 166  
concealed handgun license issued under section 2923.125 of the 167  
Revised Code or a license to carry a concealed handgun issued 168  
under section 2923.125 of the Revised Code means only a license 169  
of the type that is specified in that section. A reference in 170  
any provision of the Revised Code to a concealed handgun license 171  
issued under section 2923.1213 of the Revised Code, a license to 172  
carry a concealed handgun issued under section 2923.1213 of the 173  
Revised Code, or a license to carry a concealed handgun on a 174  
temporary emergency basis means only a license of the type that 175  
is specified in section 2923.1213 of the Revised Code. A 176  
reference in any provision of the Revised Code to a concealed 177  
handgun license issued by another state or a license to carry a 178  
concealed handgun issued by another state means only a license 179  
issued by another state with which the attorney general has 180  
entered into a reciprocity agreement under section 109.69 of the 181  
Revised Code. 182

(O) "Valid concealed handgun license" or "valid license to 183  
carry a concealed handgun" means a concealed handgun license 184  
that is currently valid, that is not under a suspension under 185  
division (A) (1) of section 2923.128 of the Revised Code, under 186  
section 2923.1213 of the Revised Code, or under a suspension 187  
provision of the state other than this state in which the 188  
license was issued, and that has not been revoked under division 189  
(B) (1) of section 2923.128 of the Revised Code, under section 190  
2923.1213 of the Revised Code, or under a revocation provision 191  
of the state other than this state in which the license was 192  
issued. 193

(P) "Misdemeanor punishable by imprisonment for a term exceeding one year" does not include any of the following:	194 195
(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;	196 197 198 199
(2) Any misdemeanor offense punishable by a term of imprisonment of two years or less.	200 201
(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."	202 203 204 205 206
(R) "Active duty" has the same meaning as defined in 10 U.S.C. 101.	207 208
<b>Sec. 2923.111.</b> (A) As used in this section:	209
(1) "Restricted firearm" means a firearm that is dangerous ordnance or that is a firearm that any law of this state prohibits the subject person from possessing, having, or carrying.	210 211 212 213
(2) "Qualifying adult" means a person who is all of the following:	214 215
(a) Twenty-one years of age or older;	216
(b) Not legally prohibited from possessing or receiving a firearm under <del>18 U.S.C. 922(g) (1) to (9) or under section 2923.13 of the Revised Code or any other Revised Code provision;</del>	217 218 219
(c) Satisfies all of the criteria listed in divisions (D)	220

(1) (a) to (j), (m), (p), (q), and (s) of section 2923.125 of the Revised Code. 221  
222

(B) Notwithstanding any other Revised Code section to the contrary: 223  
224

(1) A person who is a qualifying adult shall not be required to obtain a concealed handgun license in order to carry in this state, under authority of division (B) (2) of this section, a concealed handgun that is not a restricted firearm. 225  
226  
227  
228

(2) Regardless of whether the person has been issued a concealed handgun license, subject to the limitations specified in divisions (B) (3) and (C) (2) of this section, a person who is a qualifying adult may carry a concealed handgun that is not a restricted firearm anywhere in this state in which a person who has been issued a concealed handgun license may carry a concealed handgun. 229  
230  
231  
232  
233  
234  
235

(3) The right of a person who is a qualifying adult to carry a concealed handgun that is not a restricted firearm that is granted under divisions (B) (1) and (2) of this section is the same right as is granted to a person who has been issued a concealed handgun license, and a qualifying adult who is granted the right is subject to the same restrictions as apply to a person who has been issued a concealed handgun license. 236  
237  
238  
239  
240  
241  
242

(C) (1) For purposes of any provision of section 1547.69, 2923.12, or 2923.124 to 2923.1213 of the Revised Code, or of any other section of the Revised Code, that refers to a concealed handgun license or a concealed handgun licensee, except when the context clearly indicates otherwise, all of the following apply: 243  
244  
245  
246  
247

(a) A person who is a qualifying adult and is carrying or has, concealed on the person's person or ready at hand, a 248  
249

handgun that is not a restricted firearm shall be deemed to have 250  
been issued a valid concealed handgun license. 251

(b) If the provision refers to a person having been issued 252  
a concealed handgun license or having been issued a concealed 253  
handgun license that is valid at a particular point in time, the 254  
provision shall be construed as automatically including a person 255  
who is a qualifying adult and who is carrying or has, concealed 256  
on the person's person or ready at hand, a handgun that is not a 257  
restricted firearm, as if the person had been issued a concealed 258  
handgun license or had been issued a concealed handgun license 259  
that is valid at the particular point in time. 260

(c) If the provision in specified circumstances requires a 261  
concealed handgun licensee to engage in specified conduct, or 262  
prohibits a concealed handgun licensee from engaging in 263  
specified conduct, the provision shall be construed as applying 264  
in the same circumstances to a person who is a qualifying adult 265  
in the same manner as if the person was a concealed handgun 266  
licensee. 267

(d) If the application of the provision to a person 268  
depends on whether the person is or is not a concealed handgun 269  
licensee, the provision shall be applied to a person who is a 270  
qualifying adult in the same manner as if the person was a 271  
concealed handgun licensee. 272

(e) If the provision pertains to the imposition of a 273  
penalty or sanction for specified conduct and the penalty or 274  
sanction applicable to a person who engages in the conduct 275  
depends on whether the person is or is not a concealed handgun 276  
licensee, the provision shall be applied to a person who is a 277  
qualifying adult in the same manner as if the person was a 278  
concealed handgun licensee. 279

(2) The concealed handgun license expiration provisions of 280  
sections 2923.125 and 2923.1213 of the Revised Code, and the 281  
concealed handgun license suspension and revocation provisions 282  
of section 2923.128 of the Revised Code, do not apply with 283  
respect to a person who is a qualifying adult unless the person 284  
has been issued a concealed handgun license. If a person is a 285  
qualifying adult and the person thereafter comes within any 286  
category of persons specified in ~~18 U.S.C. 922(g)(1) to (9) or~~ 287  
~~in~~ section 2923.13 of the Revised Code or any other Revised Code 288  
provision so that the person as a result is legally prohibited 289  
under the applicable provision from possessing or receiving a 290  
firearm, both of the following apply automatically and 291  
immediately upon the person coming within that category: 292

(a) Division (B) of this section and the authority and 293  
right to carry a concealed handgun that are described in that 294  
division do not apply to the person. 295

(b) The person no longer is deemed to have been issued a 296  
concealed handgun license as described in division (C)(1)(a) of 297  
this section, and the provisions of divisions (C)(1)(a) to (e) 298  
of this section no longer apply to the person in the same manner 299  
as if the person had been issued, possessed, or produced a valid 300  
concealed handgun license or was a concealed handgun licensee. 301

**Sec. 2923.122.** (A) No person shall knowingly convey, or 302  
attempt to convey, a deadly weapon or dangerous ordnance into a 303  
school safety zone. 304

(B) No person shall knowingly possess a deadly weapon or 305  
dangerous ordnance in a school safety zone. 306

(C) No person shall knowingly possess an object in a 307  
school safety zone if both of the following apply: 308

(1) The object is indistinguishable from a firearm, 309  
whether or not the object is capable of being fired. 310

(2) The person indicates that the person possesses the 311  
object and that it is a firearm, or the person knowingly 312  
displays or brandishes the object and indicates that it is a 313  
firearm. 314

(D) (1) This section does not apply to any of the 315  
following: 316

(a) An officer, agent, or employee of this or any other 317  
state or the United States who is authorized to carry deadly 318  
weapons or dangerous ordnance and is acting within the scope of 319  
the officer's, agent's, or employee's duties; 320

(b) A law enforcement officer who is authorized to carry 321  
deadly weapons or dangerous ordnance; 322

(c) A security officer employed by a board of education or 323  
governing body of a school during the time that the security 324  
officer is on duty pursuant to that contract of employment; 325

(d) Any person not described in divisions (D) (1) (a) to (c) 326  
of this section who has written authorization from the board of 327  
education or governing body of a school to convey deadly weapons 328  
or dangerous ordnance into a school safety zone or to possess a 329  
deadly weapon or dangerous ordnance in a school safety zone and 330  
who conveys or possesses the deadly weapon or dangerous ordnance 331  
in accordance with that authorization, provided both of the 332  
following apply: 333

(i) Either the person has successfully completed the 334  
curriculum, instruction, and training established under section 335  
5502.703 of the Revised Code, or the person has received a 336  
certificate of having satisfactorily completed an approved basic 337

peace officer training program or is a law enforcement officer; 338

(ii) The board or governing body has notified the public, 339  
by whatever means the affected school regularly communicates 340  
with the public, that the board or governing body has authorized 341  
one or more persons to go armed within a school operated by the 342  
board or governing authority. 343

A district board or school governing body that authorizes 344  
a person under division (D)(1)(d) of this section shall require 345  
that person to submit to an annual criminal records check 346  
conducted in the same manner as section 3319.39 or 3319.391 of 347  
the Revised Code. 348

(e) Any person who is employed in this state, who is 349  
authorized to carry deadly weapons or dangerous ordnance, and 350  
who is subject to and in compliance with the requirements of 351  
section 109.801 of the Revised Code, unless the appointing 352  
authority of the person has expressly specified that the 353  
exemption provided in division (D)(1)(e) of this section does 354  
not apply to the person. 355

(2) Division (C) of this section does not apply to 356  
premises upon which home schooling is conducted. Division (C) of 357  
this section also does not apply to a school administrator, 358  
teacher, or employee who possesses an object that is 359  
indistinguishable from a firearm for legitimate school purposes 360  
during the course of employment, a student who uses an object 361  
that is indistinguishable from a firearm under the direction of 362  
a school administrator, teacher, or employee, or any other 363  
person who with the express prior approval of a school 364  
administrator possesses an object that is indistinguishable from 365  
a firearm for a legitimate purpose, including the use of the 366  
object in a ceremonial activity, a play, reenactment, or other 367

dramatic presentation, school safety training, or a ROTC 368  
activity or another similar use of the object. 369

(3) This section does not apply to a person who conveys or 370  
attempts to convey a handgun into, or possesses a handgun in, a 371  
school safety zone if, at the time of that conveyance, attempted 372  
conveyance, or possession of the handgun, all of the following 373  
apply: 374

(a) The person does not enter into a school building or 375  
onto school premises and is not at a school activity. 376

(b) The person has been issued a concealed handgun license 377  
that is valid at the time of the conveyance, attempted 378  
conveyance, or possession or the person is an active duty member 379  
of the armed forces of the United States and is carrying a valid 380  
military identification card and documentation of successful 381  
completion of firearms training that meets or exceeds the 382  
training requirements described in division (G)(1) of section 383  
2923.125 of the Revised Code. 384

~~(c) The person is in the school safety zone in accordance 385  
with 18 U.S.C. 922 (q) (2) (B). 386~~

~~(d) The person is not knowingly in a place described in 387  
division (B)(1) or (B)(3) to (8) of section 2923.126 of the 388  
Revised Code. 389~~

(4) This section does not apply to a person who conveys or 390  
attempts to convey a handgun into, or possesses a handgun in, a 391  
school safety zone if at the time of that conveyance, attempted 392  
conveyance, or possession of the handgun all of the following 393  
apply: 394

(a) The person has been issued a concealed handgun license 395  
that is valid at the time of the conveyance, attempted 396

conveyance, or possession or the person is an active duty member 397  
of the armed forces of the United States and is carrying a valid 398  
military identification card and documentation of successful 399  
completion of firearms training that meets or exceeds the 400  
training requirements described in division (G)(1) of section 401  
2923.125 of the Revised Code. 402

(b) The person leaves the handgun in a motor vehicle. 403

(c) The handgun does not leave the motor vehicle. 404

(d) If the person exits the motor vehicle, the person 405  
locks the motor vehicle. 406

(E)(1) Whoever violates division (A) or (B) of this 407  
section is guilty of illegal conveyance or possession of a 408  
deadly weapon or dangerous ordnance in a school safety zone. 409  
Except as otherwise provided in this division, illegal 410  
conveyance or possession of a deadly weapon or dangerous 411  
ordnance in a school safety zone is a felony of the fifth 412  
degree. If the offender previously has been convicted of a 413  
violation of this section, illegal conveyance or possession of a 414  
deadly weapon or dangerous ordnance in a school safety zone is a 415  
felony of the fourth degree. 416

(2) Whoever violates division (C) of this section is 417  
guilty of illegal possession of an object indistinguishable from 418  
a firearm in a school safety zone. Except as otherwise provided 419  
in this division, illegal possession of an object 420  
indistinguishable from a firearm in a school safety zone is a 421  
misdemeanor of the first degree. If the offender previously has 422  
been convicted of a violation of this section, illegal 423  
possession of an object indistinguishable from a firearm in a 424  
school safety zone is a felony of the fifth degree. 425

(F) (1) In addition to any other penalty imposed upon a 426  
person who is convicted of or pleads guilty to a violation of 427  
this section and subject to division (F) (2) of this section, if 428  
the offender has not attained nineteen years of age, regardless 429  
of whether the offender is attending or is enrolled in a school 430  
operated by a board of education or for which the state board of 431  
education prescribes minimum standards under section 3301.07 of 432  
the Revised Code, the court shall impose upon the offender a 433  
class four suspension of the offender's probationary driver's 434  
license, restricted license, driver's license, commercial 435  
driver's license, temporary instruction permit, or probationary 436  
commercial driver's license that then is in effect from the 437  
range specified in division (A) (4) of section 4510.02 of the 438  
Revised Code and shall deny the offender the issuance of any 439  
permit or license of that type during the period of the 440  
suspension. 441

If the offender is not a resident of this state, the court 442  
shall impose a class four suspension of the nonresident 443  
operating privilege of the offender from the range specified in 444  
division (A) (4) of section 4510.02 of the Revised Code. 445

(2) If the offender shows good cause why the court should 446  
not suspend one of the types of licenses, permits, or privileges 447  
specified in division (F) (1) of this section or deny the 448  
issuance of one of the temporary instruction permits specified 449  
in that division, the court in its discretion may choose not to 450  
impose the suspension, revocation, or denial required in that 451  
division, but the court, in its discretion, instead may require 452  
the offender to perform community service for a number of hours 453  
determined by the court. 454

(G) As used in this section, "object that is 455

indistinguishable from a firearm" means an object made, 456  
constructed, or altered so that, to a reasonable person without 457  
specialized training in firearms, the object appears to be a 458  
firearm. 459

**Sec. 2923.17.** (A) No person shall knowingly acquire, have, 460  
carry, or use any dangerous ordnance. 461

(B) No person shall manufacture or process an explosive at 462  
any location in this state unless the person first has been 463  
issued a license, certificate of registration, or permit to do 464  
so from a fire official of a political subdivision of this state 465  
or from the office of the fire marshal. 466

(C) Division (A) of this section does not apply to: 467

(1) Officers, agents, or employees of this or any other 468  
state or the United States, members of the armed forces of the 469  
United States or the organized militia of this or any other 470  
state, and law enforcement officers, to the extent that any such 471  
person is authorized to acquire, have, carry, or use dangerous 472  
ordnance and is acting within the scope of the person's duties; 473

(2) Importers, manufacturers, dealers, and users of 474  
explosives, having a license or user permit issued and in effect 475  
pursuant to the "Organized Crime Control Act of 1970," 84 Stat. 476  
952, 18 U.S.C. 843, and any amendments or additions thereto or 477  
reenactments thereof, with respect to explosives and explosive 478  
devices lawfully acquired, possessed, carried, or used under the 479  
laws of this state and applicable federal law; 480

(3) Importers, manufacturers, and dealers having a license 481  
to deal in destructive devices or their ammunition, ~~issued and~~ 482  
~~in effect pursuant to the "Gun Control Act of 1968," 82 Stat.~~ 483  
~~1213, 18 U.S.C. 923, and any amendments or additions thereto or~~ 484

~~reenactments thereof,~~ with respect to dangerous ordnance 485  
lawfully acquired, possessed, carried, or used under the laws of 486  
this state ~~and applicable federal law;~~ 487

(4) Persons to whom surplus ordnance has been sold, 488  
loaned, or given by the secretary of the army ~~pursuant to 70A-~~ 489  
~~Stat. 262 and 263, 10 U.S.C. 4684, 4685, and 4686, and any-~~ 490  
~~amendments or additions thereto or reenactments thereof,~~ with 491  
respect to dangerous ordnance when lawfully possessed and used 492  
for the purposes specified in such section; 493

(5) Owners of dangerous ordnance registered in the 494  
national firearms registration and transfer record ~~pursuant to-~~ 495  
~~the act of October 22, 1968, 82 Stat. 1229, 26 U.S.C. 5841, and-~~ 496  
~~any amendments or additions thereto or reenactments thereof, and-~~ 497  
~~regulations issued thereunder.;~~ 498

(6) Carriers, warehouses, and others engaged in the 499  
business of transporting or storing goods for hire, with respect 500  
to dangerous ordnance lawfully transported or stored in the 501  
usual course of their business and in compliance with the laws 502  
of this state ~~and applicable federal law;~~ 503

(7) The holders of a license or temporary permit issued 504  
and in effect pursuant to section 2923.18 of the Revised Code, 505  
with respect to dangerous ordnance lawfully acquired, possessed, 506  
carried, or used for the purposes and in the manner specified in 507  
such license or permit; 508

(8) Persons who own a dangerous ordnance that is a firearm 509  
muffler or suppressor attached to a gun that is authorized to be 510  
used for hunting by section 1533.16 of the Revised Code and who 511  
are authorized to use such a dangerous ordnance by section 512  
1533.04 of the Revised Code. 513

(D) Whoever violates division (A) of this section is 514  
guilty of unlawful possession of dangerous ordnance, a felony of 515  
the fifth degree. 516

(E) Whoever violates division (B) of this section is 517  
guilty of illegally manufacturing or processing explosives, a 518  
felony of the second degree. 519

**Sec. 2923.50.** (A) For purposes of this section: 520

"Law-abiding citizen" means a person who is not otherwise 521  
precluded under state law from possessing a firearm and shall 522  
not be construed to include anyone who is not legally present in 523  
the United States or this state. 524

"Law enforcement officer" has the same meaning as in 525  
section 9.69 of the Revised Code. 526

"Material aid or support" includes voluntarily giving or 527  
allowing others to make use of lodging, communications equipment 528  
or services including social media accounts, facilities, 529  
weapons, personnel, transportation, clothing, or other physical 530  
assets. "Material aid or support" does not include giving or 531  
allowing the use of medicine or other materials necessary to 532  
treat physical injuries, nor shall the term include any 533  
assistance provided to help persons escape a serious, present 534  
risk of life-threatening injury. 535

"Political subdivision" means a county, township, 536  
municipal corporation, or any other body corporate and politic 537  
responsible for governmental activities in a geographic area 538  
smaller than that of the state. 539

"Public office" includes any state agency, public 540  
institution, political subdivision, or other organized body, 541  
office, agency, institution, or entity established by the laws 542

of this state for the exercise of any function of government. 543

"Public officer" includes all officers, employees, or duly 544  
authorized representatives or agents of a public office. 545

(B) The general assembly of the state of Ohio finds and 546  
declares that: 547

(1) The general assembly of the state of Ohio is firmly 548  
resolved to support and defend the Constitution of the United 549  
States against every aggression, whether foreign or domestic, 550  
and is duty-bound to oppose every infraction of those principles 551  
that constitute the basis of the union of the states because 552  
only a faithful observance of those principles can secure the 553  
union's existence and the public happiness. 554

(2) Acting through the Constitution of the United States, 555  
the people of the several states created the federal government 556  
to be their agent in the exercise of a few defined powers, while 557  
reserving for the state governments the power to legislate on 558  
matters concerning the lives, liberties, and properties of 559  
citizens in the ordinary course of affairs. 560

(3) The limitation of the federal government's power is 561  
affirmed under the Tenth Amendment to the United States 562  
Constitution, which defines the total scope of federal powers as 563  
being those which have been delegated by the people of the 564  
several states to the federal government, and all powers not 565  
delegated to the federal government in the Constitution of the 566  
United States are reserved to the states respectively or the 567  
people themselves. 568

(4) If the federal government assumes powers that the 569  
people did not grant it in the Constitution of the United 570  
States, its acts are unauthoritative, void, and of no force. 571

(5) The several states of the United States respect the 572  
proper role of the federal government but reject the proposition 573  
that such respect requires unlimited submission. 574

If the federal government, created by a compact among the 575  
states, were the exclusive or final judge of the extent of the 576  
powers granted to it by the states through the Constitution of 577  
the United States, the federal government's discretion, and not 578  
the Constitution of the United States, would necessarily become 579  
the measure of those powers. To the contrary, as in all other 580  
cases of compacts among powers having no common judge, each 581  
party has an equal right to judge for itself as to whether 582  
infractions of the compact have occurred, as well as to 583  
determine the mode and measure of redress. Although the several 584  
states have granted supremacy to laws and treaties made under 585  
the powers granted in the Constitution of the United States, 586  
such supremacy does not extend to various federal statutes, 587  
executive orders, administrative orders, court orders, rules, 588  
regulations, or other actions that collect data or restrict or 589  
prohibit the manufacture, ownership, and use of firearms, 590  
firearm accessories, or ammunition exclusively within the 591  
borders of Ohio; such statutes, executive orders, administrative 592  
orders, court orders, rules, regulations, and other actions 593  
exceed the powers granted to the federal government except to 594  
the extent they are necessary and proper for governing and 595  
regulating the United States armed forces or for organizing, 596  
arming, and disciplining militia forces actively employed in the 597  
service of the United States armed forces. 598

(6) The people of the several states have given Congress 599  
the power "to regulate commerce with foreign nations, and among 600  
the several states," but "regulating commerce" does not include 601  
the power to limit citizens' right to keep and bear arms in 602

defense of their families, neighbors, persons, or property nor 603  
to dictate what sort of arms and accessories law-abiding Ohioans 604  
may buy, sell, exchange, or otherwise possess within the borders 605  
of this state. 606

(7) The people of the several states also have granted 607  
Congress the power "to lay and collect taxes, duties, imports, 608  
and excises, to pay the debts, and provide for the common 609  
defense and general welfare of the United States" and "to make 610  
all laws which shall be necessary and proper for carrying into 611  
execution the powers vested by the Constitution of the United 612  
States in the government of the United States, or in any 613  
department or office thereof." These constitutional provisions 614  
merely identify the means by which the federal government may 615  
execute its limited powers and shall not be construed to grant 616  
unlimited power because to do so would be to destroy the 617  
carefully constructed equilibrium between the federal and state 618  
governments. Consequently, the general assembly rejects any 619  
claim that the taxing and spending powers of congress may be 620  
used to diminish in any way the right of the people to keep and 621  
bear arms. 622

(8) The general assembly of the state of Ohio finds that 623  
the federal excise tax rate on arms and ammunition in effect 624  
before January 1, 2021, which funds programs under the Wildlife 625  
Restoration Act, does not have a chilling effect on the purchase 626  
or ownership of such arms and ammunition. 627

(9) The people of Ohio have vested the general assembly 628  
with the authority to regulate the manufacture, possession, 629  
exchange, and use of firearms within the borders of this state, 630  
subject only to the limits imposed by the Second Amendment to 631  
the United States Constitution and the Constitution of Ohio. 632

(10) The general assembly of the state of Ohio strongly 633  
promotes responsible gun ownership, including parental 634  
supervision of minors in the proper use, storage, and ownership 635  
of all firearms; the prompt reporting of stolen firearms; and 636  
the proper enforcement of all state gun laws. The general 637  
assembly of the state of Ohio hereby condemns any unlawful 638  
transfer of firearms and the use of any firearm in any criminal 639  
or unlawful activity. 640

(C) The following federal acts, laws, executive orders, 641  
administrative orders, rules, and regulations shall be 642  
considered infringements on the people's right to keep and bear 643  
arms, as guaranteed by the Second Amendment to the United States 644  
Constitution and Section 4 of Article I, Ohio Constitution, 645  
within the borders of this state including, but not limited to: 646

(1) Any tax, levy, fee, or stamp imposed on firearms, 647  
firearm accessories, or ammunition not common to all other goods 648  
and services and that might reasonably be expected to create a 649  
chilling effect on the purchase or ownership of those items by 650  
law-abiding citizens; 651

(2) Any registration or tracking of firearms, firearm 652  
accessories, or ammunition; 653

(3) Any registration or tracking of the owners of 654  
firearms, firearm accessories, or ammunition; 655

(4) Any act forbidding the possession, ownership, or use 656  
or transfer of a firearm, firearm accessory, or ammunition by 657  
law-abiding citizens; 658

(5) Any act ordering the confiscation of firearms, firearm 659  
accessories, or ammunition from law-abiding citizens. 660

(D) All federal acts, laws, executive orders, 661

administrative orders, rules, and regulations, regardless of 662  
whether they were enacted before or after the enactment of this 663  
section, that infringe on the people's right to keep and bear 664  
arms as guaranteed by the Second Amendment to the United States 665  
Constitution and Section 4 of Article I, Ohio Constitution, 666  
shall be invalid to this state, shall not be recognized by this 667  
state, shall be specifically rejected by this state, and shall 668  
not be enforced by this state. 669

(E) It shall be the duty of the courts and law enforcement 670  
agencies of this state to protect the rights of law-abiding 671  
citizens to keep and bear arms within the borders of this state 672  
and to protect these rights from the infringements defined under 673  
this section. 674

(F) (1) No law enforcement officer shall have the authority 675  
to enforce or attempt to enforce any federal acts, laws, 676  
executive orders, administrative orders, rules, regulations, 677  
statutes, or ordinances infringing on the right to keep and bear 678  
arms as described under this section. 679

(2) Notwithstanding anything to the contrary in Chapters 680  
2743. and 2744. of the Revised Code, if the state or a political 681  
subdivision employs a law enforcement officer who knowingly 682  
violates division (F) (1) of this section or otherwise knowingly 683  
deprives a citizen of this state of the rights or privileges 684  
ensured by the Second Amendment to the United States 685  
Constitution or Section 4 of Article I, Ohio Constitution, while 686  
acting under the color of any state or federal law, the state or 687  
political subdivision shall be liable to the injured party in an 688  
action at law, suit in equity, or other proper proceeding for 689  
redress, and subject to a fifty-thousand-dollar civil penalty 690  
per occurrence. 691

(3) Any person injured under this division shall have 692  
standing to pursue an action for injunctive relief in the court 693  
of common pleas of the county in which the action allegedly 694  
occurred or in the court of common pleas of Franklin county with 695  
respect to the actions of such officer. The court shall hold a 696  
hearing on the motion for temporary restraining order and 697  
preliminary injunction within thirty days of service of the 698  
petition. In such actions, notwithstanding anything to the 699  
contrary in Chapters 2743. and 2744. of the Revised Code, the 700  
court may award the prevailing party, other than the state of 701  
Ohio or any political subdivision of the state, reasonable 702  
attorney's fees and costs. 703

(G) (1) If the state or any political subdivision of the 704  
state knowingly employs an individual who is acting as or 705  
previously acted as an official, agent, employee, or deputy of 706  
the government of the United States, or otherwise acting under 707  
the color of federal law within the borders of this state, and 708  
who knowingly does either of the following after the effective 709  
date of this section, the state or political subdivision shall 710  
be subject to a civil penalty of fifty thousand dollars per 711  
employee hired by the state or political subdivision who 712  
violates the applicable provision: 713

(a) Enforces or attempts to enforce any of the 714  
infringements identified in this section; 715

(b) Gives material aid or support to the efforts of 716  
another who enforces or attempts to enforce any of the 717  
infringements identified in this section. 718

(2) Any person residing or conducting business in the 719  
state or a political subdivision of the state who believes that 720  
a law enforcement officer of the state or of the political 721

subdivision of the state has taken action as described in 722  
division (G) (1) of this section shall have standing to pursue an 723  
action for injunctive relief in the court of common pleas of the 724  
county in which the action allegedly occurred, or in the court 725  
of common pleas of Franklin county, with respect to the actions 726  
of such law enforcement officer. The court shall hold a hearing 727  
on the motion for temporary restraining order and preliminary 728  
injunction within thirty days of service of the petition. In 729  
such actions, the court may award the prevailing party, other 730  
than the state of Ohio or any political subdivision of the 731  
state, reasonable attorney's fees and costs. Sovereign immunity 732  
shall not be an affirmative defense in such actions. 733

(H) Nothing in this section shall be construed to prohibit 734  
public officers or employees of the state or a political 735  
subdivision of the state from accepting aid from federal 736  
officials in an effort to enforce laws of the state or of a 737  
political subdivision. 738

(I) It shall not be considered a violation of this section 739  
to provide material aid to federal officials who are in pursuit 740  
of a suspect when there is a demonstrable criminal nexus with 741  
another state or country and such suspect is either not a 742  
citizen of this state or is not present in this state. 743

(J) It shall not be considered a violation of this section 744  
to provide material aid to federal prosecutions for either of 745  
the following: 746

(1) Felony crimes against a person when such prosecution 747  
includes weapons violations substantially similar to those found 748  
in Chapter 2913. of the Revised Code or sections 2923.11 to 749  
2923.25 of the Revised Code, so long as such weapons violations 750  
are merely ancillary to such prosecution; 751

(2) Class A or class B felony violations, as designated 752  
under federal law, substantially similar to those found in 753  
Chapter 2925. of the Revised Code when such prosecution includes 754  
weapons violations substantially similar to those found in 755  
Chapter 2913. of the Revised Code or sections 2923.11 to 2923.25 756  
of the Revised Code, so long as such weapons violations are 757  
merely ancillary to such prosecution. 758

(K) As specified in section 1.50 of the Revised Code, if 759  
any provision of a section of the Revised Code or the 760  
application thereof to any person or circumstance is held 761  
invalid, the invalidity does not affect other provisions or 762  
applications of the section or related sections which can be 763  
given effect without the invalid provision or application, and 764  
to this end the provisions are severable. 765

**Section 2.** That existing sections 2923.11, 2923.111, 766  
2923.122, and 2923.17 of the Revised Code are hereby repealed. 767

**Section 3.** This act shall be known as the Second Amendment 768  
Preservation Act. 769

**Section 4.** This act is hereby declared to be an emergency 770  
measure necessary for the immediate preservation of the public 771  
peace, health, and safety. The reason for such necessity is that 772  
immediate action is necessary to ensure the limitation of the 773  
federal government's power and to protect the citizens' right to 774  
bear arms. Therefore, this act shall go into immediate effect. 775