



H.B. 46

123rd General Assembly
(As Introduced)

Reps. Patton, Allen, Jones, Opfer

BILL SUMMARY

- Prohibits a federally licensed firearms dealer from selling a handgun at retail unless at the time of the sale the dealer also sells to the purchaser an appropriate trigger lock or unless a trigger lock is an integral component of the handgun.
- Prohibits a person from purchasing a handgun at retail from a federally licensed firearms dealer unless at the time of the sale the person also purchases an appropriate trigger lock or unless a trigger lock is an integral component of the handgun.
- Prohibits a federally licensed firearms dealer from selling a firearm at retail unless the dealer displays in a prominent place on the premises a placard furnished by the Office of Criminal Justice Services that summarizes specified firearms laws.
- Prohibits a federally licensed firearms dealer from selling a firearm at retail unless the dealer provides to the purchaser of the firearm a copy of the printed notice furnished by the Office of Criminal Justice Services that summarizes specified firearms laws.
- Requires the Office of Criminal Justice Services to prepare a placard and a printed notice that summarize specified firearms laws and to furnish free of charge the placard and a reasonable number of copies of the printed notice to each federally licensed firearms dealer in Ohio.

CONTENT AND OPERATION

Trigger locks

The bill prohibits a federally licensed firearms dealer (see definition below) from selling a handgun (see **COMMENT**) at retail (see **COMMENT**) unless at the time of the sale the dealer also sells to the purchaser of the handgun a trigger lock that is appropriate for the handgun or unless a trigger lock is an integral component of the handgun. Whoever violates this prohibition is guilty of selling a handgun without a trigger lock, a misdemeanor of the fourth degree. (Sec. 2923.201(A) and (D)(1).)

The bill also prohibits a person from purchasing a handgun at retail from a federally licensed firearms dealer unless at the time of the sale the person also purchases from the dealer a trigger lock that is appropriate for the handgun or unless a trigger lock is an integral component of the handgun. Whoever violates this prohibition is guilty of purchasing a handgun without a trigger lock, a misdemeanor of the fourth degree. (Sec. 2923.201(B) and (D)(2).)

It is an affirmative defense to a charge of violating either of the preceding prohibitions that at the time of a sale of a handgun at retail the purchaser of the handgun demonstrated to the federally licensed firearms dealer who sold the handgun that the purchaser possessed a trigger lock that was appropriate for the handgun that was the subject of the sale (sec. 2923.201(C)).

Notice required when selling a firearm

Notice

Under the bill, the Office of Criminal Justice Services must do both of the following (sec. 181.52(B)(15) and (16)):

(1) Prepare a placard that contains typeface that is at least one quarter inch tall and that summarizes the offenses of "failure to secure dangerous ordnance" and "improperly furnishing firearms to a minor" and all federal laws pertaining to the furnishing of firearms to minors and the negligent storage of loaded firearms and furnish a copy of this placard free of charge to each federally licensed firearms dealer in Ohio;

(2) Prepare a printed notice that contains typeface that is at least one quarter inch tall and that summarizes the offenses of "failure to secure dangerous ordnance" and "improperly furnishing firearms to a minor" and all federal laws pertaining to the furnishing of firearms to minors and the negligent storage of

loaded firearms and furnish a reasonable number of copies of this printed notice free of charge to each federally licensed firearms dealer in Ohio.

Prohibition

The bill prohibits a federally licensed firearms dealer from selling a firearm at retail unless the dealer displays in a prominent place on the premises the placard furnished by the Office of Criminal Justice Services that summarizes the offenses of "failure to secure dangerous ordnance" and "improperly furnishing firearms to a minor" and all federal laws pertaining to the furnishing of firearms to minors and the negligent storage of loaded firearms. The bill also prohibits a federally licensed firearms dealer from selling a firearm at retail unless the dealer provides to the purchaser of the firearm a copy of the printed notice furnished by the Office of Criminal Justice Services that summarizes those laws. Whoever violates either of these prohibitions is guilty of selling a firearm without providing proper notice, a misdemeanor of the fourth degree. (Sec. 2923.202.)

Federally licensed firearms dealer definition

The bill defines "federally licensed firearms dealer" to mean an importer, manufacturer, or dealer having a license to deal in destructive devices or their ammunition, issued and in effect pursuant to the "Gun Control Act of 1968," 82 Stat. 1213, 18 U.S.C. 923, and any amendments or additions to that act or reenactments of that act (sec. 2923.11(N)). 18 U.S.C. 923 prohibits a person from engaging in the business of importing, manufacturing, or dealing in firearms, or importing or manufacturing ammunition, until the person has filed an application with and received a license to do so from the Secretary of the Treasury. 18 U.S.C. 923 also establishes procedures to obtain the license and requirements for maintaining the license.

COMMENT

1. "Firearm" means any deadly weapon capable of expelling or propelling one or more projectiles by the action of an explosive or combustible propellant. "Firearm" includes an unloaded firearm, and any firearm that is inoperable but that can readily be rendered operable. 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. A "deadly weapon" is any instrument, device, or thing capable of inflicting death, and designed or specially adapted for use as a weapon, or possessed, carried, or used as a weapon. (Sec. 2923.11(A) and (B).)

2. "Handgun" means any firearm designed to be fired while being held in one hand (sec. 2923.11(C)).

3. "Retail" means to dispose of specific goods to, or to acquire specific goods by, a person for use other than for purposes of resale (sec. 2923.11(O) by reference to sec. 1317.01(E)).

HISTORY

ACTION	DATE	JOURNAL ENTRY
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