



H.B. 303

124th General Assembly
(As Introduced)

Reps. Young, Aslanides, Blasdel, Brinkman, Callender, Collier, Distel, Evans, Faber, Krupinski, Lendrum, Reidelbach, Roman, Schaffer, Williams

BILL SUMMARY

- Specifically provides that any person may own, possess, purchase, otherwise acquire, transport, carry, sell, or otherwise transfer a firearm, firearm component, or firearm ammunition.
- Provides that the above provision and all other Revised Code sections dealing with the ownership, possession, purchase, other acquisition, transport, carrying, sale, or other transfer of firearms, their components, and their ammunition within Ohio are general laws of Ohio.
- Specifically provides that, except as otherwise provided in the bill, the ownership, possession, purchase, other acquisition, transport, carrying, sale, or other transfer of firearms, their components, and their ammunition is a matter of statewide concern.
- Specifies that the above provision and all other Revised Code sections dealing with the ownership, possession, purchase, other acquisition, transport, carrying, sale, or other transfer of firearms, their components, and their ammunition preempt and supersede any local laws dealing with those matters.
- Provides that nothing in the bill preempts or supersedes any local zoning regulations that limit, but do not prohibit, the sale of firearms, firearm components, or ammunition for firearms in areas zoned for commercial, retail, or industrial use.

CONTENT AND OPERATION

Under the bill, except as otherwise provided in the Revised Code, any person may own, possess, purchase, otherwise acquire, transport, carry, sell, or otherwise transfer a firearm, firearm component, or ammunition for a firearm. The bill provides that this provision and all other sections of the Revised Code dealing with the ownership, possession, purchase, other acquisition, transport, carrying, sale, or other transfer of firearms, their components, and their ammunition within Ohio are general laws of Ohio.

Except as otherwise provided in this paragraph, the bill states that the ownership, possession, purchase, other acquisition, transport, carrying, sale, or other transfer of firearms, their components, and their ammunition is a matter of statewide concern, and this provision and all other sections of the Revised Code dealing with those matters preempt and supersede any local laws dealing with ownership, possession, purchase, other acquisition, transport, carrying, sale, or other transfer of firearms, their components, and their ammunition. The bill provides that nothing in this provision prohibits a municipal corporation from enacting an ordinance pertaining to matters other than the ownership, possession, purchase, other acquisition, transport, carrying, sale, or other transfer of firearms, their components, or their ammunition. The bill further provides that nothing in this provision preempts or supersedes any local zoning regulations that limit, but do not prohibit, the sale of firearms, firearm components, or ammunition for firearms in areas zoned for commercial, retail, or industrial use. (R.C. 9.68.)

COMMENT

This bill raises constitutional questions regarding Home Rule. Section 3, Article XVIII of the Ohio Constitution provides that "[m]unicipalities shall have authority to exercise all powers of local self-government and to adopt and enforce within their limits such local police, sanitary and other similar regulations, as are not in conflict with general laws." The provisions will operate to "preempt" local regulations if they are considered to be "general laws." According to the Ohio Supreme Court in *Village of West Jefferson v. Robinson* (1965), 1 Ohio St.2d 113, 118 and paragraph 3 of the syllabus, "general laws" are statutes setting forth police regulations (such as firearms regulations) and not statutes that purport only to grant or limit the legislative powers of a municipality to adopt or enforce police regulations.

HISTORY

| ACTION | DATE | JOURNAL ENTRY |
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| Introduced | 06-19-01 | p. 672 |

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